

**Operation Kissonde:
the Diamonds of Humiliation and Misery**

**Cuango, Lunda-Norte
Angola**

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Goals of the Report

- Defend humans rights in an unequivocal and uncompromising fashion.
- Give the victims a voice.
- Break away from the culture of fear and impunity.
- Denounce the maintenance of blood diamonds, in Angola, by other methods and other protagonists, with tragic human and social consequences.
- Promote citizenship and a sense of justice.

Expected Outcomes

- Discussion, in the National Assembly, of the Diamonds Law, currently used to justify the pillaging and violence, so as to transform it into a legal instrument of protection, also protection of the interests of the local population.
- Putting an end to practices of sadism, cruelty and humiliation by private security companies and mining operators against the people of Cuango.
- Raising of national and international public opinion awareness on the neo-colonialist conduct of the diamond industry in Angola.
- Adoption, by the government, of specific and public measures, for respect and protection of human life, in the diamond bearing areas.
- Broader public discussions for the diversification of the singular economy centered on diamonds, so as to promote the creation of employment, for social and political stability of the area.

1 Executive Summary

*“Angola is a foreign country to us.
We, Angolans, are treated worse than animals”*
José Bartolomeu, miner

This report is a follow-up to *Lundas: The Stones of Death*¹ (2005). It looks at the tragic impact that diamond extraction has on the lives of local populations, the institutional incentives to permanently violate human rights, the privatisation of violence, and the unchecked plundering of these resources.

Due to financial and logistical limitations, this work only covers the hydrographic basin of the Cuango, in other words, Cuango municipality. The first report covered a wider area, both northeastern provinces of Lunda-Norte and Lunda-Sul, of almost 200,000km² with over a million inhabitants.

Cuango has a surface area of 6,818.8km² and is situated in the south-west of Lunda-Norte province. According to official estimates, it has a population of 140,000 inhabitants. This region is notorious for illegal immigration, in the tens of thousands, because of the *garimpo*² and the resulting commerce.

As a traditional area for diamond extraction, Cuango is home to three major diamond-mining enterprises: the Sociedade de Desenvolvimento Mineiro (SDM), which has its headquarters in the administrative capital of Cuango; the Sociedade Mineira do Cuango (SMC), at Cafunfo; and the Sociedade Mineira Luminas, in the commune of Luremo. These three diamond companies use the security firms Alfa-5, Teleservice, and K&P Mineira, respectively, to guard their operations.

Upon the end of ‘Operação Brilhante’³, in February 2005, these private security firms assumed complete responsibility for combating all clandestine prospecting throughout the Cuango region.

In practical terms, the entire region of Cuango, with the exception of the administrative zones of the state and a few highly populated areas, can be considered a restricted⁴ and protected⁵ zone, according to Law nº16/94 of 7

1 Marques, Rafael and Rui Falcão de Campos (2005), *Lundas: The Stones of Death* is available online at www.wilsoncenter.org/events/docs/ADDMarq.pdf

2 Garimpo is clandestine diamond extraction. A garimpeiro is an unauthorised diamond prospector or miner.

3 Operação Brilhante (Operation Shining) was a joint operation between the police forces and the military in order to combat clandestine mining and the illegal entry of foreigners into Angola. It began towards the end of 2003. This operation covered the provinces of Lunda-Norte, Lunda-Sul, Malanje and Bié, and, according to data provided by the Ministry of Interior, resulted in the expulsion of 256,417 foreigners who were in the country illegally.

4 Article 17, no1 of the Diamonds Law stipulates that access to restricted zones is prohibited apart from those people who are legally involved in diamond production. The exception applies only to government officials and people and employers who are there in an official capacity. The government does permit concessionaires, in article 18 no1, the freedom to regulate the circulation of people in their concessions.

October, which established the ‘Special Regime of the Diamond-Mining Reserves Zones’. This ‘regime’ is also known as the Diamonds Law.

Moreover, in the restricted and protected zones, in accordance with article 20 n^o1 of the Diamonds Law, “any type of economic activity [...] is prohibited, whatever its nature, whether industrial, commercial, agricultural, or other [...]”.

In effect, the Government has divided Cuango into three slices and handed them to the three companies namely SDM, SMC and Luminas. In this manner, Alfa-5 hired by SDM, controls the Cuango’s administrative town, with the same name; Luminas hands over the control of Luremo to K&P Mineira; and Teleservice, under SMC contract, oversees the Cafunfo sector. Thus, the security control exercised by these companies extends throughout the whole territory. The methods used epitomise the systematic violation of human rights in the name of the law and the authority granted by the state.

These violations have a profoundly sadistic aspect given that, in general, the behaviour of the guards of the three companies includes beating their victims on the buttocks, undressing them and making them circulate naked or semi-naked in public, as well as other rituals of humiliation. They use, as distinct instruments of torture, shovels, or the handles of shovels, clubs and machetes. In the particular case of Alfa-5, various cases have been documented in which the victims are forced to carry out homosexual acts. In one particular case, a son-in-law was forced to violate his father-in-law.

Forced labour at the installations and the working areas of the aforementioned diamond extraction companies has become a routine part of life for the *garimpeiros*. It is used as a form of punishment which is administered by these companies.

Similarly, K&P Mineira has a dual role in providing services to Luminas as well as Sodiam/LKI and Ascorp. On the one hand, it uses arbitrary methods, including violence, to expel the *garimpeiros* from the Luminas concession. On the other hand, it protects and accompanies Sodiam/LKI and Ascorp in the management and patronage of the *garimpeiros*.

Although the Diamonds Law safeguards the practice of artisanal diamond mining, in other words, legal *garimpo* (Chapter III of the Law, n^o16/94), for part of the local population, the Government prefers to keep them in a situation of permanent illegality.

⁵ In the same way, point 1 in article 19 of the Diamonds Law prohibits the circulation of goods in the restricted zones “without the authorisation of the concessionaire”, whereas point 2 of the same article permits such circulation with a written authorization by the concessionaire. The report *Lundas: The Stones of Death* presents a legal analysis of the Diamonds Law and its perverse impact on the local populations. See

www.wilsoncenter.org/events/docs/ADDMarq.pdf

The full text of the Diamonds Law can be viewed at www.endiama.co.ao/pdfs/Lei16_94.pdf

Any agricultural or commercial activity in the region, like the rest of the Lundas, requires the direct authorisation of the Provincial Governor. It is well known that among the local population, there is not a single artisanal exploration licence, or a licence for the practice of subsistence agriculture. In this way, the Government stops these people from surviving without resorting to illegal methods.

The consequences are tragic. For example, on 20 April 2006, guards from K&P Mineira stopped Francisco Pinto from fishing in the River Lumonhe, on the basis that the river and the fish in it are also part of the SMC concession. They beat him until he lost consciousness. Óscar Neves was hit in the eye with the butt of a rifle and was whipped by Teleservice for taking care of his personal hygiene by bathing in the River Cuango. Like all the other villagers, Neves used the river to wash because of the lack of piped water in the region. However, according to Teleservice, the river “is part of the concession”.

The law on Private Security Firms (Law nº19/92 of 31 July) prohibits, in article 4, paragraph a) private security activities involving “criminal investigation of any type”. The nº2, article 4 of Law nº19/92, prohibits “activities by private security firms that come into conflict with the performance of the proper functions of the security forces and security services and the civil protection of the State”.

These companies do not observe the special obligations, according to paragraph a) of article 15 of the same law, to “give immediate knowledge to the judicial authorities or the police of any public crime of which they have knowledge in the exercise of their functions or that is clearly being committed”.

Moreover, paragraph b) of article 15 of the above-mentioned law, prohibits “personal performance that could be mistaken by the public for elements of the armed forces or the security services and the state’s civil protection services”.

So, the documented cases show clearly a total disrespect for the law. These businesses behave, without precedent, in an arbitrary way in detaining, interrogating and torturing citizens, as well as patrolling public roads and neighbourhoods with men in uniform who are armed for combat situations.

Despite their effective public relations propaganda, the diamond companies do nothing to reduce the misery of the local populations in the area.

Without work or other alternatives, the local people become exclusively dependent on *garimpo*. They are easy prey in the politics of the fight against *garimpo*. Such a situation is devastating the populations slowly, with the silent and silently, in complicity of international powerhouses and institutions more concerned with lucrative contracts or in getting cozy with the regime.

The Cuango region has the peculiarity of being under the effective control, from a military point of view, of the private security forces. This precedent represents, therefore, another type of threat to the institution of a true rule of law and a democratic Angola.

Moreover, the subordination of the local administration, police authorities and the military to the aims of the businesses which operate in the region, in the face of the negligence of the concessionary, Endiama, acts as a cover for senior figures of the regime who are only looking out for their own particular interests.

Thus, the privileged access to riches remains subject to the duality of violence and corruption. The maintenance of unchecked power by a few individuals, in the country, strives on such logic, in detriment of transparency and true democracy. So, it is time for the government to break from a political strategy dependent on violence and corruption, even if both are privatized.

2 The Government

"The diamond diggers aren't dogs"
Gomes Maiato, Governor of Lunda-Norte

Following the publication of the report, *Lundas: The Stones of Death*, the Minister of Territorial Administration, Virgílio Fontes Pereira, agreed to a meeting with the author on 5 June 2005, to talk about state administration and human rights in the Lunda provinces.

He explained to the author the concerns of his party, the ruling MPLA⁶, and the plans for the MPLA vice-chairman, Pitra Neto, to visit the area and "address the social and economic development" of the region.

The next day, Mr Pereira told the Prime Minister, Fernando Dias dos Santos (known commonly in Angola as 'Nandó') about the meeting, including the concerns which were raised. He also passed on a copy of the report itself.

There has been a notable reduction of tension between the local administration and the people in Cuango region, since the second semester of 2005. For example, as soon as the author visited the home of the municipal administrator of Cuango, Passos Gonga, on 1 April 2006 and told him about the way in which private security firms were treating the local population, the Administrator immediately alerted the Governor of Lunda-Norte, Gomes Maiato.

Notwithstanding, at first, Mr Gonga tried to blame "a certain opposition movement" that was aiming to "defame and denigrate the image of the Government and the ruling party, the MPLA". Faced with photographic evidence

⁶ MPLA – Movement for the Popular Liberation of Angola

and the author's explanation that the cases were based on direct testimony, he then said he knew nothing of the situation and regretted that these details had not been aired during his weekly meetings with political, military and traditional authorities, the opposition and civil society.

At a second meeting nine days later, on 10 April, Mr Gongga explained the steps that the local and provincial authorities were taking to investigate and address the complaints.

On top of this, Governor Gomes Maiato held a meeting on 12 May with Arnaldo Calado, Chairman and Director-General of the state diamond company, Endiama, and also representatives of private security firms.

According to an assistant to the Provincial Government, Paulina Lassaeth⁷, who was present at the meeting, the Governor declared his strong opposition to the arbitrary actions of the diamond companies SDM, SMC and Luminas, as well as those of the companies contracted to them, in this case Alfa-5, K&P Mineira and Teleservice.

Ms Lassaeth said, "The Governor declared how such practices have been causing sentiments of revolt among the population. He urged for changes, because the diamonds must bring benefits to the people and not deaths."

She added: "The Governor declared that 'the diamond diggers are not dogs, they are people, and I do not want to hear of another digger being killed.'"

The Governor's dissatisfaction with the situation was all the greater because a few days earlier, he had received photographs and information about nine diamond diggers who were killed by private security agents in Calonda/ Lucapa, in Lunda-Norte. Note that in the Lucapa/Nzagi axis⁸ of the same province, an average of one diamond digger is killed by private security forces each week, according to data obtained from a legal counsellor⁹.

Mr Calado of Endiama demanded an immediate end to any abuse of citizens. According to his assistant, he talked about the need to transform the diamond industry into a peaceful one and said how ashamed he felt about the reported events. Ms Lassaeth said, "He stressed that the role of protection is not to take lives away. He expressed Endiama's concerns, its responsibility, and he publicly apologises for all the ills caused by the private security companies."

Notable however, is a failure to meet the Government's constitutional responsibilities. Article 22 of the Constitution provides that "the state respect and

⁷ The author last interviewed Paulina Lassaeth, by telephone, on 28 June 2006, as a follow up to a series of conversations, in the same way, since April.

⁸ The Lucapa, Calonda, Chitotolo, Mufuto Norte, Yetwene, Luarica and other diamond projects are situated in the area.

⁹ On April 18 2006, the author interviewed a legal counselor [name omitted for good reasons] who has been working in the area. Since this report deals only with Cuango, the information requires specific treatment in due time.

protect the life of the human person". Article 23 provides that "no citizen may be subjected to torture or to other cruel, inhuman or degrading treatment or punishment".

Nevertheless, the only concrete measure that the Government has taken recently, with respect to the question of diamonds, is the approval on 10 May 2006, of the new diamond marketing policy. This "redefines the role of Sodiam, and seeks to add value to the national diamond industry by means of a flexible marketing policy which will encourage investment which in turn will create jobs and bring increased economic benefits to those involved."¹⁰

To quote a press release from the Permanent Committee of the Council of Ministers, "The commercialisation of rough and gem diamonds will take place according to a new model which will incorporate the purchase and sale of diamonds in Luanda through Sodiam's purchasing and sales outlets, and the sale of diamonds abroad through the so-called Sodiam Trading Centres."¹¹

However, one may deduce the following: first, there is still no policy that extends to the local human component of the industry, particularly in the Lundas; second, any jobs created under this new policy will be in Luanda or abroad, not in the Lundas. Therefore, the local population are left in the same, or possibly worse, situation.

To illustrate where the state's priorities lie in relation to the local people, one only has to look at access to water. The Cafunfo administration fiscal officers duly charge 50 kwanzas (over 70 cents of a dollar) per person a day, on the people who fetch water each day from the natural springs at Cambamba, Candangi and Nossa, and then transport it to local communities in drums carried on small carts. Meanwhile, the local authorities ignore the working conditions for local staff at Muaxinga, in Cafunfo, a satellite telecommunications company under contract to Angola-Telecom. On display at the entrance to the establishment is a timetable that amounts to slaver-labour: employees have to work from 6h00 until 22h00 seven days a week, with a break only on Saturday morning.

3 The National Police

3.1 Improvements

The greatest reward of this work, in such a desolate environment as the Lundas, comes from the local population, who have spoken about the relative improvement in the behaviour of the national police in the Cafunfo area.

¹⁰ Jornal de Angola, Aprovada nova política de comercialização de diamantes, 11 May 2006 – www.jornaldeangola.com/artigo.php?ID=47450

¹¹ Idem

That acknowledgement comes, in a spontaneous and grateful manner, from ordinary citizens who feel great relief when unarmed policemen are on patrol in their area during the day.

The case of Manasseja Lituiaia (cf. Annex 9.1) can be seen as a turning point in terms of this improvement. An investigation commission, mandated by the General-Command of the national police, tracked it in Cafunfo, Cuango and Dundo, and resulted in changes of the staff assigned to criminal investigation and imposition of greater discipline on the agents of Public Order, with respect to the population.

A more recent example is the case of António José Panzo, 43. During the author's visit to Cuango, Mr. Panzo reported that on 6 February 2006, he had his freezer confiscated, in a coercive and illegal manner, from his residence by a police investigator known as Bumba from the commune of Luremo.

The incident took place after Mr Panzo was stopped by Bumba on the Mussango road, and found in possession of five diamonds. Bumba took the stones from Mr Panzo who was also arrested and taken to Luremo Police Station. Mr Panzo was told he would be released for the sum of US \$600. Because Mr Panzo did not have this sum of money, Bumba raised the subject of a refrigerator, which he implied could be used in exchange for Mr Panzo's release.

In order to be certain of the success of his process, Bumba took the refrigerator to the transit residence of the national police and forced Mr Panzo to wait for more than two hours while some beer, now inside the freezer, chilled. In the end, Mr Panzo spent one night in the cell of Luremo's police station.

However, when this case finally came to the notice of Bumba's superiors in Cafunfo and Cuango, the errant policeman was subject to disciplinary procedures. Indeed, the facts were checked and Mr Panzo's innocence was established. The freezer was given back to Mr Panzo, while the diamonds "disappeared".

As paradoxical as it seems, this case of the freezer, one among several similar cases, reveals a desire by local staff to act when they hear about cases of police tyranny. This improvement is due to a change in practice and policy in Luanda.

Notwithstanding, it is worth noting another improvement in terms of the relationship between the police and the local community. According to a local official, the population has been increasingly less disposed to take the law into their own hands, or to confront the agents of law and order.

3.2 Comparison

In contrast, in Muxinda, where the scrutiny of higher authorities is not felt, confusion reigns. For example, on 4 December 2005, two policemen from the Samba squad, from the municipal district of Xá-Muteba, questioned Txindele Rafael, aged 29, in the Txissema mining area. They took possession of US \$3000 in cash and a scale used to weigh diamonds.

According to witnesses, during a heated argument, one of the policemen, Joaquim Domingos, aged 28, took out his Star brand pistol, and shot Mr Txindele at point blank range in the abdominal area and the right foot. In response, a group of miners surrounded the two policemen, disarmed them and then tortured them with sticks and other objects until they were in a pitiful state.

The investigator, known only by the name of Edmundo, of the Muxinda police unit, led the rescue group. One of the two policemen, Gomes André, aged 22, and a native of Uíge died two hours after he was taken to Lassalatona medical post. The other policeman, Joaquim Domingos hung on and was evacuated to the Samba quarter where, according to local people, he died. Meanwhile, Mr Txindele's family discretely removed him from another medical post, where he had been taken and shackled by the police, and transferred him to Malanje province for reasons of safety.

On 25 January 2006, in Muxinda, a group of 10 policemen, under command of Guito, approached the citizen Adriano Mendes, aged 28, shook him down and took US\$500 that he had in one of his pockets. They then proceeded to kick him down to the ground. As a result, he broke his right arm. The victim went to the Muxinda police station to make a complaint but nobody attended him.

In the Caungula municipal district, even further away from provincial and central concerns, the local commandant, known just as 'Ngola', is the main person responsible for the excesses committed by the police in that zone. There are three cases which illustrate this.

On 7 September 2005, one of the guards of Commander Ngola, together with a civilian, terrified a group of local people in the village by firing their AK rifles close to them. The civilians, taken back, managed to disarm the attackers and then decided to beat them. They gathered another group of civilians and told them to march the two men back to the police station. According to local witnesses, Commander Ngola responded to this group of civilians with beatings and with tribal insults. He is alleged to have said: "No Tchokwé¹² can replace me here."

In another case, Beto Satchumo, aged 35, went to the police station, at the request of his brother Xavier, a policeman, aged 45, who had fallen ill and wanted his back wages. Apparently the request infuriated Commander Ngola who immediately took charge of beating and kicking Mr Satchumo, with the help of his guard. He then ordered Mr Satchumo to be imprisoned for several hours

¹² Tchokwé refers to the ethnic group of that name in the Lundas.

while he, Commander Ngola, cooled down. As a consequence of this violent incident, Mr Satchumo lost his hearing in both ears.

In another case, on 10 November 2005, one day before national Independence day, Commander Ngola ordered Rafael Muanguinza to be beaten on his back, 50 times with a club. Commander Ngola also said that “neither the Tchokwé nor the Bailundo¹³ can peep” in his jurisdiction. Mr Muanguinza had been attempting to collect a debt owed to him by the bodyguard of Commander Ngola.

3.3 Conversations, Promises and Reality

The current state of the national police, in terms of material and human resources, is not adequate if the promises of the interior minister, General Roberto Leal Monteiro, are to be fulfilled. The minister said that he wants an energetic fight against illegal immigration, tax evasion and other acts that are harmful to the national interests.¹⁴

A police staffer in Cafunfo explained: “Here, we do not have a service vehicle, and every official or agent that wishes to use a communication radio has to buy his own. There are cases in which the diamond-buyers offer the radios to police officers to best control their interests”,

As consequence, on several occasions, members of the police force have had to rely on the assistance of private motorists to help them carry out their missions.

Another formidable example is the imminent disappearance of Cafunfo police station, which is about to be swallowed up by a huge ravine several metres deep. The proximity of the station to the ravine is putting the lives of both the policeman who work there, and the citizens who visit the station or who are held there, at grave risk.

3.4 The Bridge of Discord

One of the most outstanding examples of the lack of government control in Cuango area is the check-point, installed by Teleservice, on the Pone Bridge in Cafunfo.

With regard to the freedom of circulation of people and goods, the police proceeded to remove all the check-points they had set up in the area, including the one at Pone, while Teleservice set up another check-point close to the same.

¹³ Bailundos is a reference to the Ovimbundu ethnic group of the central highlands and southern part of Angola. Bailundo is a small town in Huambo province.

¹⁴ Costa, André, Ministro do Interior defende combate à imigração ilegal [Minister of the Interior defends stemming illegal immigration], *Jornal de Angola* 18 April 2006, page 9.

If the national police, as the institution responsible for the maintenance of public order, could remove obstacles that prevented the free movement of citizens on public roads, why was a private company permitted to establish similar obstacles with total arrogance?

Indeed, if the local authorities wish to use the bridge and the road, they have to provide a list of the vehicles intending to pass the checkpoint, to the private company in control of that particular point. On 2 February 2006, the head of the Teleservice check-point demanded an explanation from Mr Gongga, Cuango municipal administrator, as to why he had authorized the transit of two vehicles which had not been included on the day's list.

The administrator was leading a convoy that was transporting the remains of King Kulachingo, of Baixa de Kassanje, to Xá-Muteba for a home burial. He was accompanied by the municipal police commander, the Cafunfo police station commander and the local head of the Information Services (SINFO). Neither the solemnity of the funeral procession nor the presence of such senior figures dissuaded the Teleservice men from asserting their power in the area.

One official, who witnessed the events and asked for anonymity, told the police the following: "Not even the municipal commander avoided being humiliated by the administrator. He said that the Teleservice guards were just very excited and that a great deal of confusion was generated."

On 30 March 2006, the author travelled to Pone Bridge. Two guards, one in uniform, the other in civilian clothes, said that the car could not pass: "We don't have any orders and we don't know the car." Even after they heard the reasons for this author wanting to cross the bridge - to visit Bananeira and Lubola villages - the security guards wanted to know in great detail the reasons for the visit to those particular villages. They said that some taxi drivers are authorized to transport provisions or passengers to the referenced districts, "once a week and with minimum load."

They were not interested in hearing anything about the right to freedom of circulation for people and goods, or discussing why Angola should have bridges controlled by private companies on public roads.

António João Manuel, aged 13, had travelled to a medical post in Cafunfo town, the day before, to have an abscess on his face treated. He was accompanied by three friends. On their return from Cafunfo, they were prevented by guards from crossing the bridge to return home to the village of Bolinhos. Instead, the four boys were left waiting for more than one hour, to cross the bridge. António was in great pain during this time, because of his abscess.

It was not until one of the guards saw the author talking with the boy and taking notes, that he had the presence of mind to call the young boy and allow him to continue his journey home.

The sub-chief of the Pone observation post group, Mr. Zumba, inspected the author's vehicle. He then explained the procedures for crossing the bridge and, when confronted with a discussion on the freedom of circulation of people and goods, he requested the intervention, over the radio, of his boss, Mr. Correia.

"Are you a member of the government or an authority who wishes to pass?" asked Mr Correia.

On hearing the answer was 'no', he continued, "The bridge is the company's, and it sets the rules. The company fixed the road and it determines who circulates here. The governor, the local authorities and Luanda know about this."

A specialist of the national police guarantees that, concerning the abuses of Teleservice, "We have recorded cassettes, plus information provided at the provincial and central level as well as to Teleservice."

He continues: "They always tell us Teleservice is a company of generals and that it cannot be pushed around because the generals carry weight. The national police do not enter into the Teleservice jurisdiction area to avoid confrontations between the police and generals. These are higher orders.

"We cannot arrest them, because we have orders not to do so, we wait for a decision from the central government. Teleservice manages to collect US\$100 for each car that passes the checkpoint. The ministry of defence and the national police in Luanda are all informed."

Moreover the same official also said that representatives from the provincial command, "have already visited the check-point itself. They informed the central authorities and Luanda stipulates that the situation should remain as is."

He continues: "There were serious mistakes in the formation of those companies. They deployed commandos to deal with the population. The consequences are plain to see."

In turn, on the subject of abuses carried out by Teleservice and K&P¹⁵, the spokesperson of the general command of the national police, Superintendent Carmo Neto, affirms categorically, "Neither General Ndalú nor Commissar Ekuikui would admit this. There are people that abuse their good names, and they want to take advantage of the situation."

¹⁵ Author's note for greater clarity of the spokesperson's answer, in a conversation held to June 8, 2006.

According to the police spokesperson, the police have started to decentralize the top command in order to provide the provinces with greater autonomy, and a greater capacity to respond to problems at local level.

Moreover he affirms that the new interior minister, General Roberto Monteiro Leal, “has been a champion of human rights” and has demonstrated total openness for dialogue. “The minister has made manifest his concern with the legal framework of the national police and has taken steps to improve the human rights situation and listen to the dissenting voices”, the police spokesperson said.

3.5 The Subsidiaries of the National Police

Three different official interventions into the relationship between the national police and private security companies, as well as their behaviour, elucidate the state of affairs.

On 26 January 2006, the general commander of the national police, José Alfredo “Ekuikui” defended “the need for a solid alliance between the police and private security companies¹⁶, in a meeting with the heads of the latter. He said: “Private security is a necessary and essential activity for the mission of the national police to uphold the peace and calm of the population, and is constituted equally in part to salute the national democratic society.”¹⁷

According to Angolan national radio, the meeting “organized by the National Division of Public Order was to exchange information on the state of public security in the country, analysis on the organization and operation of security services and analysis of the information transition mechanism.”¹⁸

On 31 January 2006, less than one week after holding the meeting, the general command of the national police, through its national division of public order, issued a statement against serious irregularities carried out by private security companies. The communication emphasized the threat of taking severe measures against the law breakers.

The committing of several crimes, among the most prominent, homicides, anarchical firing of shots and robberies, the excessive and unnecessary display of firearms during the protection of objectives and in escorting of valuables, there are other violations of the law. To the list of violations, is added the fact that security companies interdict entry of personnel from the national police in places subject to inspection by law, such as ports, airports, hotels, aircraft and commercial vessels or the disarming of these

¹⁶ Radio Nacional de Angola, Comissário Ekuikui põe travão na desordem [Commissar Ekuikui puts fetters on the disorder], 28 January, 2006
www.rna.ao/canala/noticias.cgi?ID=8967

¹⁷ Idem

¹⁸ Ibidem

personnel and other properly identified official entities authorized through their inherent duties.¹⁹

On the relationship between the national police and private security companies, the declarations of the prime minister in a hearing in the National Assembly, on 2 May 2006, present yet another image.

Mr Dias dos Santos, who is also a former general commander of the police himself, said: “Private security companies are subsidiary organs of the national police, they are supervised and controlled by the general command of the national police through its national division of public order, they should inform the general command and the national police and they are obliged to cooperate whenever requested”.²⁰

3.6 Ping-pong

In the case of the release of the *garimpeiros* who had been detained by private security companies and handed over to the local police station, several local officials, in Cafunfo and Luremo, argue that such companies have been taking over their jurisdiction by force. Furthermore, the same officers stress that fighting illegal mining can only be successful through the creation of jobs.

Since they do not have higher authorization to speak, the officials ask for anonymity. One said: “We understand the drama of the people. They do not have employment. For instance, Luminas employs less than 10 local people in the cleaning services.”

For that purpose, it is important to recall the statements of the 2nd general commander of the police, Commissar Paulo de Almeida,²¹ when carrying out the so-called “Operation Shining” which he coordinated. He said: “It is evident that in those areas there is no visible production activity. The people do not produce, there is no industry and there is practically no employment. And the only source that they judge profitable is alluvial panning [...]”

In the interview, Commissar de Almeida did not avoid referring to the role of the concessionaires. “Their own diamond field production projects should honour their commitments; within the framework of the contracts they should create a series of conditions such as schools and other types of implementation of a social nature. All this failed [...]”²²

19 Jornal de Angola, Forças da ordem vão punir seguranças privadas que extravasam competências [Forces of law and order will punish private security companies that trespass their jurisdiction], 2 February 2006 – www.jornaldeangola.com/artigo.php?ID=44043

20 Mendes, Amélia, Governo explica-se sobre demolições e expropriação de terras [Government explains itself on demolitions and expropriation of lands], 2 May 2005, Multipress/Voa - www.multipress.info/ver.cfm?m_id=18077

21 Cori, Isaquiel, Operação Brilhante detém mais de 300 mil estrangeiros ilegais [Operation Shining stops more than 300 thousand illegal foreigners], Jornal de Angola, 4 December 2005 – www.jornaldeangola.com/artigo.php?ID=31883

22 Same

“They torture the miners and they bring them here. When we demand that they take the responsibility they always say they are orders from Luanda. We cannot touch them. We don't have the authorization. If we arrest one of them there is immediately an order to release him,” concludes the police source.

4 The Angolan Armed Forces

It is important, even if in a very brief way, to address the presence of FAA in the context of systematic violations of human rights in Cuango. For example, it has been noted that certain senior generals in the army are in partnerships with the private security companies, and therefore appear as the perpetrators' bosses.

João Abreu Xicalo, aged 24, denounces Brigadier Cotripa, FAA commander in Cafunfo, as a sponsor of *garimpo* in the Lucola area and the person morally responsible for the death of his brother Zeferino Muassefo, his uncle Binoca Walikissa, and the wounding of Mariana João.

According to Mr Xicalo's statement and several other witnesses, at the order of Brigadier Cotripa, Lieutenant-Colonel Cawanga personally requested, from Chief Kabundula, a *garimpo* exploration area on the banks of the River Lucola in Cafunfo for the FAA commander.

For the monitoring of the mining activity, they installed 12 armed soldiers in the area from the military police. The witness said that after four days of work, eight of the soldiers received their marching orders, while another four remained behind to check the panning of the gravel, among which was Corporal Jamba António.

It transpires that, during the gravel-panning, on 8 October 2005, the corporal took possession of a valuable stone and decided to celebrate by getting drunk with *kapuka*²³. That night, the same corporal declared to the miners working on the “project” he guarded his premeditation to kill somebody that day.

“My brother Zeferino told him – you won't kill anybody, because nobody owes you here”, recounts João Xicalo.

Zeferino Muassefo was immediately killed with a shot to the chest, then another fatal shot was fired into Binoca Walikissa's right ear, and the vendor Mariana João had been hit in the buttocks. She survived the wound and her family evacuated her to Luanda in order to receive appropriate medical assistance.

“The corporal was taken there by Brigadier Safa Cotripa to control his private mining projects. Out of the troops he took for there, four were on the site when this happened”, reveals Mr Xicalo.

²³ Home-brewed liquor.

The victims' relatives, headed by *Soba*²⁴ Samukualo and the elder, João Sambawaia, went to Brigadier Safa Cotripa, who is responsible for the Cafunfo Garrison. After hearing the case, he expressed his condolences and disbursed, from his own pocket, the amount of US\$800 for the deaths.

According to Mr Sambawaia: “[Brigadier Cotripa] said that his command was not responsible because the perpetrator was a deserter who had been expelled from the army for an identical crime. However, he directed the case to the military prosecutor, Lieutenant Amaral, who said that it was normal practice for deserters to continue to wear military uniform for *garimpo* and other kinds of crime.”

According to the speaker, Lieutenant Amaral informed them about the setting up of a commission of inquiry to investigate the case and the possible arrest of the suspect. “To date we never again heard speak of such a commission nor any other information on the subject”, laments Mr Sambawaia.

“We took the case to the national police. They then informed us that they had approached Brigadier Cotripa to learn of the whereabouts of the corporal. The following day we returned to the police station and the investigator told us that the case had already been transferred to Dundo, the administrative center of Lunda-Norte.

“They sent us to talk again with Brigadier Cotripa,” explained Mr Xicalo. “We went to meet him but he wouldn’t receive us any more. He ordered his armed troops to chase us off his property. Then he screamed at us, ‘I gave you money for the deaths and now you want to demand more?’”

5 Sodiam and Ascorp: the head and tail of *garimpo*

5.1 Sodiam Sarl

Sodiam’s *modus operandi*, in a certain way, configures the spur of the moment policies of the government and, consequently, the public company Endiama, to whom the state assigns the exclusive right of diamond concessionaire.

Since 2003, Sodiam has held the exclusive right to market diamonds in Angola.²⁵ Endiama holds 99% of Sodiam, while the Angolan Institute of State Holdings (IAPE) holds 1% of the stock. In turn, Sodiam, represented by its board chairman, Arnaldo Calado, on 24 April 2004, signed a contract with Lazare Kaplan International (LKI), a company registered under the Laws of Delaware, United States of America, for the joint purchase of diamonds that have been discovered due to illicit alluvial mining.

²⁴ Traditional authority, community chief

²⁵ Endiama, Hoje, October 2003. page 9

LKI comes into the joint-venture, according to the contract²⁶, with its experience, financial capacity and know-how in the marketing of diamonds, as well as its vast worldwide sales and distribution network.

The case of Sodiam deserves detailed attention since it covers the institution officially mandated to negotiate with the miners – in this case, *garimpeiros* - who are the main victims of the human rights violations in the Lundas.

By mutual accord, LKI agreed to provide technical assistance in the marketing of these illicit alluvial diamonds.

However, in article 6, paragraph a) of the Sodiam/LKI contract, regarding LKI's obligations, is reported as confidential and blank. Paragraph b) of the same article guarantees the technical assistance of LKI in all phases of the diamond purchasing process in the informal market [*garimpo*]. Further, paragraph c) obliges LKI to “assist Sodiam in the elaboration of the formal report in the appropriate format, during the last week of each buying cycle, on the work accomplished, prospects for the market, and pertinent suggestions and recommendations.”²⁷ Another important point to keep in mind is paragraph e) of the same article where LKI participates in the organization of the purchasing stations - known locally as “*contuorios*”²⁸ - in the informal market.

In order to guarantee confidentiality, article 13, n°1, paragraphs a) and b), regarding the type of taxes to apply in the transactions, are also blank. Provision n°2 of the same article is very explicit with regard to the obligations of the parties in settling all taxes before exporting the diamonds. This begs the question of what taxes are being referred to, taking into consideration the fact that Sodiam/LKI neither records, nor issues receipts of the transactions in the “*contuorios*” when purchasing diamonds from miners. The same occurs with the transactions that take place in the field, at the informal mining sites.

Chapter II, annex I, article 8 of the Sodiam/LKI contract stipulates the joint supervision of the diamond-purchasing stations by one or more LKI evaluation specialists. Articles 9, 11 and 12 are all blank. Once the diamonds are acquired in partnership, LKI becomes the exclusive owner of the diamonds (takes sole title) in accordance with Article 13.

It is clear from the Sodiam/LKI contract that the miners are being encouraged to avoid paying taxes. Likewise, complicity is revealed in the abuses perpetrated by private security companies against the miners, specifically by K&P Mineira, which also protects its “*contuorios*” and oversees its buyers in the negotiations with these selfsame miners.

²⁶ Lazare Kaplan International Inc. 10-K/A for 5/31/04 Exhibit 10(V) www.secinfo.com/dsvRa.z13h.b.htm

²⁷ Idem

²⁸ This is a term which has been corruption from the French, *un comptoir*, a counter or a trading-post.

In order to avoid drowning in detail, the following table only lists the main selling stations in Cafunfo, which is the most dynamic part of the Cuango region in terms of diamond trafficking:

Buyer	Location	Security Company
Alidep's – Sodiam/LKI	Cafunfo	K&P Mineira
Baba – Sodiam/LKI	Cafunfo	K&P Mineira
“Casa Mãe” – Sodiam/LKI	Cafunfo	K&P Mineira
Free Sam – Sodiam/LKI	Cafunfo	K&P Mineira
Miami – Sodiam/LKI	Cafunfo	K&P Mineira
Tshatsho Bala – Sodiam / LKI	Cafunfo	K&P Mineira

In the international arena, LKI declares that it fully supports and is compliant with the policies that prohibit the marketing of conflict diamonds and preventing money-laundering. Further, it insists it is fully compliant with the legislation of the USA which demands the transparent marketing of diamonds and prohibits money-laundering.²⁹

The company also prides itself on being one of the founding members, among the many signatories, of the Compact Global Initiative of the United Nations, for “the sharing of values and principles that will give a human face to the global market.”

Likewise, LKI is proud of its partnership with United States Agency for International Development (USAID)³⁰, with which the LKI chairman, Maurice Tempelman has a philanthropic relationship.

On 16 June 2005,³¹ to great media fanfare, LKI and USAID announced the availability of US\$1.5 million, for “improving the social services offering to the local population and affording opportunities for economic growth.”³² The funds came from LKI and were administered by USAID. The Angolan state-owned newspaper, *Jornal de Angola*,³³ specifies that the support, over a three-year period, will facilitate “access to health care, to education and credit for the local communities.”³⁴

In a certain way, from the specificity of the area, that partnership reveals one of the greatest dramas of Africa: extremely rich areas are reduced to theatres of

²⁹ Lazare Kaplan International Inc. 10-K. For 5/31/05 – www.secinfo.com/dsvRa.z3B9.htm

³⁰ This governmental department promotes democracy and freemarkets in the developing world.

³¹ Multipress/ Voice of America, USAID e LKI promovem desenvolvimento humano na Lunda-Norte [promote human development in Lunda-Norte],

16 June 2005 Multipress/Voice of America www.multipress.info/ver.cfm?m_id=14766

³² Idem

³³ *Jornal de Angola* is a State owned and only daily newspaper in the country.

³⁴ *Jornal de Angola*, Companhia promove desenvolvimento da Lunda-Norte [Company promotes development in Lunda-Norte], 17 June 2005

www.jornaldeangola.com/artigo.php?ID=34553

misery in order to show-case Western philanthropy in the form of so-called humanitarian aid. Yet the aid contributions are provided by the very same interested parties which are plundering the same region, and always in tight complicity with the local kleptocracy.

One of the possible beneficiaries of the opportunities that LKI and USAID are prepared to create might be Odete António. On 28 March 2006, the K&P security guards (from the same company which protects Sodiam/LKI) prevented Ms Antonio, and a group of local farmers, from placing their cassava in the Cuango River to turn it into *bómbó*, the main food staple of the area. The guards argued that the women were serving as look-outs, allegedly to inform their husbands when the security guards were approaching. It would appear that farmers and miners are treated alike. Similar cases to Ms António's have taken place throughout the Cuango area.

The majority of the Luremo population raises crops in the Cangau, Txatxo and Poco areas. However, the security companies manage to create conditions to transform honest, hard-working, self-sufficient people, into chronic dependents upon international charity. These local populations are prevented from surviving under their own initiative and are not provided with alternative working conditions by the companies.

In Angola, specifically in Cuango, the situation for many people is one of tragedy. This starkly contradicts with the lively and high-flying principles of Mr Tempelsman. "The human development" that the USAID/LKI partnership promotes in Lundas is nothing more than the diplomatic white-wash of a situation of terror.

Instead of its self promotion through USAID, it would be much better if Mr Tempelsman's LKI implemented and maintained business practices in the Lundas which observe the elementary rights of the local population. Without human rights there are no opportunities.

5.2 Sodiam International

As part of Endiama's expansion strategy into the international market, the company is associated with the Lev Leviev Group in the constitution of Sodiam International Ltd, a company established under Israeli law.³⁵

Sodiam International Ltd is in charge of marketing a "considerable part of the Angolan diamonds coming from the formal sector working from its offices in Tel Aviv", writes the Endiama magazine.³⁶

³⁵ Endiama Hoje, Sodiam International Ltd., July-August 2004, page 10.

³⁶ Idem

This operation is summarized, primarily, in the acquisition, by Sodiam International Ltd of diamonds from Sodiam SARL, the exclusive holder of the marketing rights of diamonds in the Angolan market.³⁷

For this purpose, the Lev Leviev Group finances the purchasing of diamonds and takes charge of “the promotion of the training of Angolan teams in the areas of evaluation and marketing of diamonds in the international market.”³⁸

Sodiam Inte

national has, on the other hand, the mission “to achieve international prestige at the industry level, making Sodiam a known and respected brand”, as well as maximizing its revenues resulting from the sale of diamonds.

Lev Leviev's words, at the inauguration of Sodiam International in Israel, in a ceremony presided over by the Israeli minister of finance, Benjamin Netanyahu, are self-accusatory. “As the wise teach us, a good business is one that generates benefits for everybody. We all want to come out winners. And, for those like us, who know what it is to suffer the pain of war in the flesh, when we want something for somebody it happens very fast.” Mr Leviev ends, “We want progress for the people of Angola.”³⁹

5.3 AscCorp and the Law of the Powerful

In 2003, the Angolan government showed its dissatisfaction with Mr Leviev for his failure to meet certain contractual obligations that the government expected, and the consequent lack of benefits for the country. Therefore, they annulled the outline Agreement of October 11, 1999⁴⁰ which granted the Angola Selling Corporation (AscCorp) the exclusive right to purchase Angolan diamonds. Note, Mr Leviev's Welox and Trans Africa Investments hold 49% of the AscCorp shares.

Strangely, despite revoking its contract, AscCorp presently continues to operate in the Cuango area and also continues to handle and purchase the miners' diamonds.

The following table demonstrates the company's main purchasing stations in Cafunfo, and where K&P Mineira is responsible for its security. By a strange coincidence, K&P Mineira shares offices with AscCorp in Luanda.⁴¹ The general

³⁷ Ibidem

³⁸ Ibidem

³⁹ Endiama Hoje Israelitas abençoam nascimento da Sodiam Internacional [Israelis give blessing to Sodiam International birth], July-August 2004, page 9.

⁴⁰ Endiama Hoje, Sodiam é a principal comercializadora de diamantes do país [Sodiam is the main marketer of diamonds in the country], October 2003, page 9.

⁴¹ The address is Rua Comandante Kwenha, 279, Bairro do Maculusso

manager of K&P Mineira, José Gomes Maria Rodrigues, carries out some of his duties at Ascorp's headquarters.⁴²

Buyer	Place	Security Company
Ascorp Casa Mãe	Cafunfo	K&P Mineira
Andy – Ascorp	Cafunfo	K&P Mineira
Didy Kinwany - Ascorp	Cafunfo	K&P Mineira
Djopiss – Ascorp	Cafunfo	K&P Mineira
Hassana Bokolo - Ascorp	Cafunfo	K&P Mineira

On another front, Mr Leviev also owns 47% of the factory capital for cutting diamonds (Angola Polishing Diamonds S.A.) which was inaugurated in Luanda, on 3 November 2005 by President José Eduardo dos Santos. Sodiam retains 48% of the company while a consortium of Angolan companies (PROJEM) assumes the remaining 5% of the business. This initiative is intended to generate revenues to the value of US\$240 million a year with the export of cut diamonds,⁴³ thereby trying to reduce the losses from the export of just diamonds in the rough. “For each US\$9 million of rough diamonds sold abroad, our foreign customers after cutting them collect something like US\$56 million,” emphasizes one of Endiama’s Prospecting and Production administrators, Sandra Vasconcelos.⁴⁴

At this point, it’s worth noting the country’s approval of the highest instances of commercial promiscuity and illegality. Mr Leviev works around the termination of the Ascorp contract, and becomes a partner to Sodiam International. In addition, he controls half of the stock of the lapidary factory and is also involved in the purchasing of diamonds from the *garimpeiros*, through Ascorp, without legal authorization. Furthermore, the environment of business promiscuity let his fingerprints on the K&P Mineira venture as well.

6 The Exploiters

I, as a queen, have to bath in the river, because there is no running water. The river is ours, and now we cannot set our feet there. I regret this. We have made rituals for these lords to explore our diamonds, now they expel us away from our own land.”
Muana Cafunfo, 2 April 2006

6.1 Endiama

⁴² The address is Rua Guilherme Pereira Inglêss, n°43, 7th Floor

⁴³ Jornal de Angola, Mais empreendimentos económicos [More economic enterprises], 04 November 2005

www.jornaldeangola.com/artigo.php?ID=40468

⁴⁴ Endiama Hoje, A fábrica deterá a comercialização desigual dos diamantes angolanos [The factory will hold the uneven marketing share of Angolan diamonds], May-June 2005, page 27.

In its role as the exclusive concessionaire of the mining rights, under the protection of Laws 1/92 and 16/94, Endiama participates in the search, research, recognition and exploitation of diamonds in the Cuango basin. Currently it does so through the projects designated by SDM, SMC and Luminas, which we will cover later in greater detail.

In addition, Endiama, through its subsidiary Sodiam which holds the exclusive rights to marketing Angolan diamonds, is in partnership with LKI and the Lev Leviev Group to facilitate and profit from the sale of the diamonds.

Endiama is also co-owner of Alfa-5, a private security company which is responsible for protecting a considerable number of diamond projects, including SDM and Catoca, the fourth largest kimberlite diamond pipe in the world, located in Lunda-Sul.

Due to its exclusive role and its nature of intervention in all the projects under analysis here, Endiama also has exclusive responsibility for the human rights situation in Cuango. Therefore Endiama must take responsibility for the way in which the behaviour of the private security companies and their clients, the mining companies, effects the lives of the *garimpeiros*.

On 22 May 2006, Endiama's board of directors held a meeting. According to a company source, the board discussed the responsibility of private security companies for violent acts carried out against *garimpeiros*. They also discussed the possibility of allowing the *garimpeiros* to become artisan workers, therefore gaining the protection of the law.

Endiama has refused to make any official comments, however a company source⁴⁵ told the author about the creation of an ad-hoc technical commission to verify, investigate and bring to justice employees of private security companies who have carried out individual acts against *garimpeiros*.

With regard to the *garimpeiros*, the same source confirmed that the company has reached the conclusion that the best route to solve the mining problem is the provision of a legal mechanism conducive to the establishment of "artisan cooperatives."

The source said: "We [Endiama] are discussing a managerial approach in which the miners become artisan workers, organized into cooperatives, to explore non-industrial areas and sell their production officially to avoid the illegal traffic in diamonds."

The source continues: "For this purpose, we will identify the areas that are not exploitable, in industrial terms, or those already abandoned in order to see how

⁴⁵ Telephone conversation held on June 06, 2006, from Lisbon to Luanda.

to assign these small concessions to the artisans, without endangering the space of the current concessions or others that are due to be granted.”

The same source said that no questions were raised about the notable absence of registered transactions between Sodiam, Ascorp and the *garimpeiros*, in the sense of guaranteeing the protection of the latter’s interests. If registered transactions were introduced, it would help control the flow of business as well as the taxes and other dues which are owed to the state.

While Endiama is expanding in highly-industrialised and wealthy places like Israel, Belgium, Hong Kong, Dubai and New York, this Angolan public company seems prepared to leave poverty and environmental destruction in its own backyard, in Cuango. Yet it is in the Cuango region which guarantees Endiama its second largest revenues.

Besides the extraction facilities, Endiama has not even set up a tent in Cuango to display its presence to the local populations.

6.2 Sociedade de Desenvolvimento Mineiro

"Man is precious"
SDM slogan

The distance between SDM's public relations slogan and the reality is, to put it plainly, deceitful (cf. 7.1.2 and 7.1.3). The company is a 50-50 partnership between Endiama and the Brazilian company, Odebrecht Mining Service Inc (OMSI). The SDM concession covers an area of 2,950 km² in the Cuango river basin.

In 2004, SDM extracted 622 thousand carats⁴⁶, making it the second major diamond producer in Angola, with 11%. Projecto Catoca led with 67% of the total 4.8 million carats extracted in the country. SDM reported diamond sales of US\$102.693 million and US\$16.251 million in profits. It estimates, that in 2006 the current concession will be exhausted.

If, in Brazil, Odebrecht carried out the sorts of abuses it is jointly responsible for in Angola (as parent company of SDM and a client of Alfa-5), there would be public outrage and a judicial investigation would be held. In Angola, however, Odebrecht’s promiscuous relationship with those in power grants it impunity.

As an illustration of the levels of promiscuity and conflicts of interest, Odebrecht has been providing accommodation to the Angolan nomenclature, in prefabricated wooden houses at its compound in Vila do Gamek, Luanda. The table (cf. annexe 9.3) shows a sample of the Angolan figures who have gained

46 SDM Annual Report for 2004 - www.sdm.net/emp_quem_relatorio.asp

residence rights among the Brazilian expatriates, including the eldest daughter of the Angolan president, one of his advisors, high-ranking generals and ministers.

On the other hand, Odebrecht can be considered one of the most privileged companies operating in Angola, being one of the main guardians of the president's Eduardo dos Santos Foundation, FESA.

In mid-2005, SDM workers wrote to Pitra Neto, vice-president of the ruling MPLA and minister of public administration and social security, to denounce the "neo-colonialism" of SDM director, a Brazilian called Marcelo Gomes. They accused Mr Gomes of "acts of injustice and discrimination against Angolan workers."⁴⁷

6.3 Sociedade Mineira do Cuango (SMC)

*"We extract diamonds
But here it is man who shines"*
Slogan of ITM, project manager

Sociedade Mineira do Cuango's concession, in the Cuango basin (Cafunfo area) is a joint-venture between the Bahamas based ITM Mining (50%), Endiama (35%) and the Angolan private company Lumanhe (15%). The project yielded its first production in May 2005, but it has yet to release the figures.

ITM Mining, set up in 1993, prides itself for being the oldest diamond company operating in Angola. It came into existence as a merger of interests by ITM International and senior managers of Roan Selection Trust International Limited (RST) that was the mining operator in Angola for the first company.

RST was the mining company of ITM International SA, responsible for most of Angola's diamond production between 1986 and 1992. The annual levels of production during this period, made Angola the world's 3rd largest producer of diamonds by value. The RST mining operations were centred around the Cuango River.⁴⁸

As a reminder of RST previous work in Cuango, besides the environmental damages, especially deforestation, there are also a few broken down power generators, which have been a source of conflict between the local administration and the local population.

⁴⁷ Mateus, Eugenio, Trabalhadores da SDM descontentes escrevem a Pitra Neto [Unhappy SDM employees write to Pitra Neto], 13 May 2005, Multipress/Voz da América – www.multipress.info/ver.cfm?m_id=14451

⁴⁸ www.itmining.com/english.all.htm

Lumanhe – Extracção Mineira, Importação e Exportação, Limitada is best known as the general's company. It is made up of six equal quotas of KzR 100.000.000.00 shared by⁴⁹:

- General António Emílio Faceira
- General Armando da Cruz Neto
- General Luís Pereira Faceira
- General Adriano Makevela Mckenzie, head of the reconnaissance and information division of FAA
- General João Baptista de Matos
- Carlos Alberto Hendrick Vaal da Silva

With the exception of General Adriano Mackenzie and of Mr. Carlos Alberto Hendrick Vaal da Silva, the other shareholders are also Teleservice's partners (cfr. 7.3.1) that provides security to the project.

On behalf of the major shareholder, ITM Mining, Mr. Jeffrey Watkins heads the management board of Sociedade Mineira do Cuango, while Mr. Carl Niemann is in charge of the mining operations.

6.4 Sociedade Mineira Luminas

Luminas controls an alluvial diamond exploration area in the Cuango hydrographic basin, of about 2,690 km², and a second adjacent area of 246 km². Since last March 2006, the ownership of Luminas is being disputed in the United States federal court in Washington D.C: Endiama was served a writ, on 18 May 2005, in the North American state of Texas, by IDAS Resources.⁵⁰

According to the contract, signed on 31 October 2002, IDAS, the project backers, holds a 51% share of the capital, Endiama 38% and Twins Ltd, 11%. Once the IDAS investment is recovered, IDAS would transfer 2% of its stock to Twins Ltd.

Twins Ltd is a company of General António dos Santos França 'Nдалу', current president of De Beers Angola. He is also the former and final Chief-of-staff of the now defunct FAPLA⁵¹ and former ambassador to the USA.

General França 'Nдалу' has his offices in the tax haven of the Cook Islands (Pacific).⁵² Twin Ltd entered into the joint venture in order, according to Article 7,

⁴⁹ Diário da República, III Série, n^o49, 8 de Dezembro de 1995, 1899.

⁵⁰ www.secinfo.com/d158b8.v11.htm?Find=Endiama&Line=26

⁵¹ The Popular Armed Forces for the Liberation of Angola was the national army at the time of the single party regime until 1992, when according to the Bicesse Peace Accord it was absorbed with former UNITA soldiers into a new national army.

⁵² At ANZ House, Main Road, Avarua, Rarotongua.

point a) of the agreement, to “mobilise the necessary means under its control, in order to guarantee the efficiency and safety of the operations.”⁵³

Nevertheless, the project started without IDAS, a concessionaire of Adastra Minerals Inc. From September 2004, IDAS understood that Endiama had renounced its contractual obligations⁵⁴ and resorted to litigation against the Angolan concessionaire, accusing it of negligence and malicious intent, and has requested compensation for the damages caused.

In turn, the Nofar Mining B.V. enterprise, of Dutch origin, appears to be intervening in the project according to a table provided by Endiama to the IMF.⁵⁵ In the Luminas facilities in Luremo, an enormous placard reads “Welcome” in Tchokwé, Portuguese and Russian.

As a matter of fact, the third partner of the project, Nofar Mining B.V, is a private company created by the Lev Leviev Group and which holds the capital previously reserved for IDAS Resources, according to Endiama sources. This is why the project has the welcome sign in Russian, the business language in Angola, of Lev Leviev.

7 The Agents of the New Order: systematic practices of sadism and cruelty

*“Do you think that the foreign trading posts
are here to buy corn? If it is diamonds,
then who is digging them?”*
João José Massaco, aged 36, *garimpeiro*

7.1 Alfa-5

7.1.1 Brief Annotation on Alfa-5

Alfa-5 was created on 25 February 1993 with the primary purpose of protecting the diamond-mining areas and allowing work to continue despite the civil war.

Other than Endiama Group, holder of 30% of the shares, the remaining Alfa-5 partners include:⁵⁶

- General César Augusto Pugliese
- Rui Carlos Sousa Gaio

⁵³ <http://sec.edgar-online.com/2003/03/14/0001125282-03-002255/Section4.asp>

⁵⁴ Ibid.

⁵⁵ International Monetary Fund, Angola: Selected Issues and Statistical Appendix, 2005, page 25.

⁵⁶ Gazette of the Republic, Serie III –no. 33–August 20, 1993, p. 655

- Laurinda Cassuamo Nelumba, married to General Agostinho Fernandes Nelumba ‘Sanjar’, FAA chief-of-staff
- Agostinho César de Matos, brother of General João Baptista de Matos, former FAA chief-of-staff when Alfa-5 was created

Article 4 of the Alfa-5 by-laws determines its company purpose, “independently of any other activity that the Board decides to undertake and is legally permitted under the law.” Below are the first two of the six points of article 4:

1. Provision of private security services through the control of reserved access areas,⁵⁷ the protection and surveillance of movable goods and real estate, of institutions and public and private establishments, namely of a financial, industrial or commercial nature.
2. Training of personnel⁵⁸ for exercising those activities

Alfa-5 has a training centre in Viana, Luanda, where its employees are subjected to a rigorous training programme. Therefore, the abuses carried out are not the work of ignorant guards or those with poor training.

Some of the operations carried out by Alfa-5 rely on collaboration with the FAA, which has military control over the area where it is linked to the SDM central facilities. The main access to SDM is made through a FAA checkpoint, where the primary identification is made, followed by a barrier managed by Alfa-5.

That close connection – the level of the commercial partnership of the generals with Endiama – of the physical division of space between the FAA, SDM and Alfa-5, as well as the joint operations, reveals the difficulty of accurately placing blame and holding the right group or individual responsible for abuses carried out in the Cuango region.

The presence of an armed foreign citizen, who the *garimpeiros* allege commands some of the operations where they have been targeted, raises certain questions. From the information collected on site, the name of Jimmy Gildier, a British citizen, identified as head of security for SDM, rings up the bells.

Courageously, Soba Xassamba of Txipexe reveals the routine of the local fishermen in removing *garimpeiros*’ bodies from the riversides zones where they set their fishing traps. This is also an area where the villagers fetch water and carry out other domestic tasks. Soba Xassamba states that the, “Kissonde Operation of that company [SDM] is simply to kill a lot. There is a white man there, Jimmy, who is very bad and he is behind this.”

⁵⁷ Underlining is ours

⁵⁸ Same

Completely astonished, a local youth spoke of his group's encounter with a foreigner, who he simply described as white. This Caucasian, allegedly decided to "hunt" the *garimpeiros* on his own, armed with an AK rifle, a cartridge holder slung across his chest, and a machete.

The youth described what happened. "He surprised us," he said, "he aimed his weapon at us and, on trying to approach us to force us to lie down and be tied up, I pulled his weapon from him and we beat him with kicks and blows. Then, we fled because we knew that the Alfa-5 men were close by. They were retaliating at random against the youths they encountered, and in the village of Cuango, there was a lot of anger."

7.1.2 Description of Violations in 2006

Case 1

Victim: Vemba Careca, aged 32, born in Uige province

Date of incident: 28 May 2006

Place: Kakuku, Cuango

Description of events:

Guards from Alfa-5 saw a group of *garimpeiros* at work and shot at them without warning. A bullet hit Vemba Careca on the left side of his chest. The security guards left him for dead.

The survivors went to the municipal police command in Cuango town to report the killing. Alfa-5 officials then sent those responsible for the shooting to the police. In turn, the police ordered SDM's management to buy a coffin for the deceased and take the body to Cafunfo, where the family of the deceased live, for the funeral.

Case 2

Victim: Guilherme Carlos Martins, aged 27, born in Lubalo, Lunda-Norte

Date: 28 May 2006

Place: Tximbulagi, Cuango

Description of events:

Guilherme Martins was imprisoned by Alfa-5 at around 1915 hours while digging for diamonds on the banks of the River Cuango. He suffered a blow to the face after he started a conversation. He was beaten with a rifle-butt all over his body and spent a night tied up by his wrists in a brutal manner.

"At 0600 hours the next day, they whipped me on the back with an electric cable. When they saw that I was badly swollen they let me free. My hands are damaged. I can no longer hold onto anything," Mr Martins said.

Case 3

Victim: Joaquim José, aged 28, born in Cafunfo

Date: 5 May 2006

Place: Vuka, Muxinda

Description of events:

After midnight, an Alfa-5 patrol surprised a group of diamond diggers who were at work, including Joaquim José. He was whipped with electric cables and detained for the rest of the night. The following day at 0800 hours, a guard beat Mr José again, eight times with the handle of a shovel on his lower back, while Mr Jose lay faced down. The victim now has scars all over his body. He said other *garimpeiros* received the same punishment, though he was not able to specify the number.

Case 4

Victim: António Jaime, aged 29, born in Moxico province

Date: 9 April 2006

Place: Txissueia Island

Description of events:

A patrol of six Alfa-5 employees approached six *garimpeiros* at the end of the afternoon. The security men forced the group to undress and subjected them to a beating session, involving six blows with a shovel to the buttocks and two blows on the hands for each man.

“They wanted to place the handle of the shovel between my legs and then pull with force to loosen the handle, of the shovel,” said Mr Jaime. “I said that they could beat me but not like this. They could kill me.

“Daniel, from Alfa-5, said that they had to beat me a lot because I, as district geologist, had been called by them to show them where the diamonds were. I refused”, said Mr Jaime who received two more blows with a shovel to his hands.

“They have power because we do not have a union,” he continues. “They get the district administrators and tribal chiefs drunk so that they do not allow discussion of the people’s problems. We don’t have a government.”

Case 5

Victim: Novais Mbuambua, aged 32, born in Caungula, Lunda-Norte; Miguel Sueti, aged 30, born in Xá-Muteba, Lunda-Norte; and Garcia Muacabalo, aged 45, born in Lunda-Norte

Date: 30 March 2006

Place: Banks of River Cuango, Cassexe area

Description of events:

A mixed group of Alfa-5 employees and policemen, in an indeterminate number, surrounded this small group of *garimpeiros* at around 1900 hours.

The security guards forced the men to lie face down, then they beat them freely on the buttocks, back and lower limbs with shovel handles. Some of the attackers, impatient for their turn, according to Miguel Sueti, kicked the *garimpeiros* on any part of the body.

Case 6

Victim: Zelito Lunga Umwe, aged 36, born in Dundo, Lunda-Norte

Date: 28 March 2006

Place: Txissueia

Description of events:

Zelito Umwe's dinner ended with him vomiting blood. An Alfa-5 patrol found him eating with three other *garimpeiros*. Without any greeting or exchange of pleasantries, the security men set about beating the four men using rifle-butts and clubs. According to one of the victims, Guilherme Adriano, his cousin Mr Umwe was hit to the point of vomiting blood. More blood also dripped from Mr Umwe's nostrils. Mr Adriano said, "He [Mr Umwe] ended up with 13 stitches in the back, because of a rifle-butt blow." Mr Adriano also suffered a lot, although escaped serious injury.

Case 7

Victim: Zelito Mualunene, aged 28, born in Cuango

Date: 28 March 2006

Place: Txissueia

Description of events:

Two shovel blows to the back of Zelito Mualunene were sufficient to leave him bed-ridden for 15 days. An Alfa-5 patrol found him panning for diamonds, with many other *garimpeiros*, at about 1400 hours. The patrol forced the prisoners to undress, they then collected several pairs of trousers and cut the legs off each pair.

After this, according to Mr Mualunene, the group of *garimpeiros* received orders to lie face down. They were then beaten on their backs and buttocks. The Alfa-5 guards then burned the victims' shirts and footwear before beating a retreat. The *garimpeiros* were left with nothing but their cut-off trousers.

Case 8

Victims: Luciano Joaquim, Adriano Ngamatchituba and Sozinho Walinhengue and Alexandre Quianga, aged 35, born in Capenda-Camulemba, Lunda-Norte

Date: 15 March 2006

Place: Txicuele creek, in the vicinity of Vila do Cuango

Description of events:

According to Alexandre Quianga, aged 35, at about 1000 hours a group of 18 Alfa-5 employees surprised a group of 27 *garimpeiros* who were working in the

local stream. “They began to discharge a fusillade of shots, as if they were in a battle,” said Mr Quianga.

After preventing the *garimpeiros*’ escape, the security guards gave orders for the men to undress, line up, and then to lie face down on the ground. Mr Quianga describes what happened next: “They beat me on the buttocks with a shovel. I received three blows. Then they clubbed my hands three times. I took three more blows to my right arm which broke some of my bones.”

Luciano Joaquim, Adriano Ngamatxituba and Sozinho Walinhengue, were among the group of *garimpeiros*. They were also beaten. However, their dead bodies were later discovered with stab wounds and machete blows. Often machetes are used as an instrument of torture by private security guards.

Case 9

Victim: Francisco Paulo Ita, aged 29, born in Cuango

Date: 15 March 2006

Place: Txissueia Island

Description of events:

A group of 30 Alfa-5 personnel and three FAA soldiers carried out an assault on Txissueia Island at about 0900 hours. Six *garimpeiros*, according to Francisco Ita, were arrested. The security guards then searched the men for diamonds.

“They inspected our anuses with the barrels of their guns,” said Mr Ita.

During a torture session, the Alfa-5 and FAA elements forced the *garimpeiros* to undress and, according to Mr Ita, “They beat us with electric sticks [cattle prods] on the buttocks, the palms of our hands and the soles of our feet.”

Mr Ita remembers receiving 29 blows, one for each year of his life. This was the system the tormentors used.

“They then transported us to the FAA armoury [the regional command] where, in just our underpants, we were freed,” said Mr Ita.

Notwithstanding this experience, the same group of *garimpeiros* returned to the same location at the end of the afternoon that same day, to try to continue panning for diamonds. They were captured again. Mr Ita said, “This time I urinated blood as a result of the beatings.”

Determined to continue, the *garimpeiros* tried a third time, at midnight, to pan the gravel again. This time they were ambushed and, according to Mr Ita: “They told us that the government had even sold the rivers and we were left only with the lices.” Mr Ita also said that his captors decided to beat the *garimpeiros* at will, with kicks, punches and clubs.

Case 10

Victim: Januário Sebastião, aged 33, born in Cuango

Date: 15 March 2006

Place: Txicuele Creek, in the vicinity of Vila do Cuango

Description of events:

Januário Sebastião was part of the group of 27 *garimpeiros* who were arrested on the banks of Txicuele creek. He was punished “with two reinforced shovels on the buttocks, three clubs on the hands and two clubs on the back.” Mr Sebastião also denounced the burning of the miners' clothes.

“After the beating,” he said, “they put us in a Kamaz pick-up [a truck] and took us into the jungle, at a great distance from the villa, and left us there. We had to return on foot.”

In a curious revelation, Mr Sebastião said that the operation was directed by “a white foreigner, very bad, who goes around with only a machete and cripples the miners.”

“We are used to seeing many bodies in the river. For instance, if Alfa-5 comes across an isolated person or group of three, they annihilate them on the spot,” said Mr Sebastião.

Case 11

Victim: Gonçalves Mateus, aged 28, born in Cunene

Date: 10 March 2006

Place: Banks of River Lulo, Muxinda

Description of events:

An Alfa-5 patrol directed by a citizen identified as Abreu Afonso approached a group of four *garimpeiros* hard at work in the morning. Three escaped.

According to Salvador Caetano, who managed to escape, the Alfa-5 employees forced Gonçalves Mateus to drink water from the river while they kicked him in the behind. They also dipped the victim's head in the water and continued to beat him.

“One of the guards stabbed him with a bayonet on the right side of his face. Then they abandoned him,” Mr Caetano explained. “We left our hiding places, we took Gonçalves to Cafunfo and then we evacuated him to Luanda.”

Case 12

Victim: Armando Gonçalves Tomás, aged 30, born in Uíge

Date: 7 March 2006

Place: Pedreira Quarter, Cuango

Description of events:

An Alfa-5 patrol questioned the citizen on the public road, inspected the sack in which he carried mining material and, from such evidence, according to his testimony, they punished him.

According to Armando Tomás, the security guards beat him with the handle of a shovel, they twisted his right arm until it was dislocated and they dragged him, for a good distance, to the banks of the River Cuango, apparently to drown him.

A fisherman saw the whole thing. On condition of anonymity, he explained: "Thanks to me, who was there in the river, they left the individual and I took him to the quarter."

Mr Tomás had to be evacuated to Luanda in order to receive appropriate medical treatment.

Case 13

Victim: Nzuzi Kamata, aged 40, born in the Democratic Republic of Congo

Date: 18 February 2006

Place: Bridge over River Cuango, Muxinda area

Description of events:

According to the account of his friend, Tozé Gilberto, Nzuzi Kamata was on the bridge at about 0900 hours, with the tools he used for digging and sifting diamonds. Some Alfa-5 security guards confronted and interrogated him. They asked him why he was digging in the area. When he responded – speaking of brotherhood, good neighbourliness, unemployment and redistribution of wealth – the guards reacted by beating him repeatedly with a rifle butt to his head and abdomen. Mr Gilberto believes the guards saw his friend's responses as an affront to their authority.

Mr Gilberto left Mr Kamata critically wounded while he went to seek help at a health-post in Bairro da Samba in Muxinda. Mr Kamata was brought there, complaining about unbearable pains in his chest, the part of his body most affected by the blows. According to Mr Gilberto, his friend, Mr Kamata, died in the early hours of 19 February 2006.

Case 14

Victim: Simão Manuel, aged 41, born in Malanje

Date: 17 February 2006

Place: Mining area 28, Muxinda, municipality of Xá-Muteba

Description of events:

An Alfa-5 patrol crossed the road to intercept Simão Manuel who had with him his work tools, in particular sieves that are used for panning. The guards, said Mr

Manuel, asked him about his business. He told them he was a vendor of mining material. He then tried to flee, but was hit by two bullets in his left arm.

Mr Manuel recounts: "The men abandoned me on the spot. A Senegalese found me, put me in a wheelbarrow and transported me until my friends, Moniz Ngongo and Edgar Morais, appeared and took me to my family."

The family evacuated Mr Manuel to the hospital at Saurimo where he received proper medical assistance.

Case 15

Victim: Calunga Bernardo, aged 26, born in Xá-Muteba

Date: 14 February 2006

Place: Txipaxi

Description of events:

At the end of the afternoon, 13 Alfa-5 employees chased after 14 *garimpeiros* Calunga Bernardo explained: "When they caught us, I told them that I am Angolan and they should not mistreat me because I am in my native land. One of the guards ordered me to f * * **".

"Then," Mr Bernardo continues, "he ordered me to be tied up with ropes. He beat me with 15 blows to the buttocks and seven to the soles of my feet. They burned our clothes and also my identity card. They took us by car to Vila do Cuango and paraded us without clothes so that everybody, even the mamas [female vendors] in the market, saw us. We passed in front of the municipal administration building, the administrator's house and the municipal command of the national police."

In another form of punishment, the guards led the men in the direction of the municipal district of Xá-Muteba, where they released them into the jungle. "We were made to walk more than six hours to return to Cuango," said Mr Bernardo.

"We are like orphans, without anybody to defend us. We suffer a lot."

Case 16

Victim: Da Costa, aged 34, born in Cuílo, Lunda-Norte

Date: 13 February 2006

Place: Banks of River Cuango, Txipaxi area, vicinity of Cuango

Description of events:

On being approached by an Alfa-5 patrol, 13 *garimpeiros* dared to resist. According to the statement made by Mr Da Costa, the security guards wounded one of the men with a shot, which caused indignation from his friends. A shoot-out ensued and determined who controlled the situation. Mr Da Costa received a machete blow to the sole of his feet, which later required 33 stitches. He

remembers how the others were also brutally beaten. In his testimony Mr Da Costa refers to another *garimpeiro* whose identity was unknown other than the fact he did not form part of the group. This man was later found dead, close to the place where the attack took place. Apparently the man had been drowned.

Case 17

Victim: António João Luís, aged 28, born in Huambo

Date: 28 January 2006

Place: Banks of River Lulo, Muxinda

Description of events:

An Alfa-5 patrol detected a group of 18 *garimpeiros* late in the afternoon and fired shots in their direction, according to António João Luís. Thirteen of the 18 managed to escape. Of the five who were captured, three disappeared. The two remaining prisoners suffered terribly.

Mr Luís said: “One of the Alfa-5 stabbed me with a knife in the buttocks and another in the head. They tied us and they took us to the Mussanga Quarter, with kicks along the road, where they left us naked.” Mr Luís identified the other prisoner as Tomás.

Case 18

Victim: Diandré Julião, aged 23, born in Caungula, Lunda-Norte

Date: 17 January 2006

Place: Banks of River Cuango, close to Kipaxe

Description of events:

At about 0900 hours, 25 *garimpeiros* were encircled by over 30 Alfa-5 employees.

“We each received five shovel blows on the buttocks,” said Diandré Julião. “They led us to the SDM central facilities where we worked, in our underpants, and kept us there until 1800 hours without food or water.”

Part of the punishment included cutting chunks of material from the men’s trousers and some pairs of shorts. In addition, the youth revealed the name of the mission chief as being Tomás from the “Kissonde Group”. This group is known for depositing *garimpeiros* in remote areas far from the places where they were captured, sometimes more than two days’ walk away.

Case 19

Victims: Rodelho André Cambala, aged 31, born in Cafunfo; Simão Francisco, aged 26, born in Cuango; others

Date: 7 January 2006

Place: Banks of River Cuango, close to the municipal seat of Cuango

Description of events:

An Alfa-5 patrol surprised a group of *garimpeiros* hard at work and, according to the testimonies of Jesus and Feliz Cambala, brothers of Rodelho André Cambala, the security guards fired upon their quarry. As a result Rodelho André Cambala died. His brothers say he was hit in the head. His body was recovered by fishermen after two days. He had been tied to a large stone and thrown into the river, according to the Cambala family.

In regard to Simão Francisco, the Rodelho's brothers say he was hit in the abdominal area. His body was found after three days.

The brothers tell of yet a third unknown victim who was killed when he was shot in the chest. The man's body was wrapped in a blanket and buried on the spot.

Rodelho's father, André Cambala, said he will continue waiting for the investigations carried out by the national police: "Up until now they haven't said anything and Alfa-5 have not given any form of support for the burial."

Surrounded by members of his community, some of whom were fishermen, Mr. Cambala recounted a fourth *garimpeiro's* death, tortured at the place and who died the very next day.

7.1.3 Description of Violations in 2005

Case 20

Victim: Mateus Ngola, aged 25, born in Cuango

Date: 24 December 2005

Place: Txissueia Island

Description of events:

A mixed patrol of Alfa-5 and FAA soldiers ambushed more than 70 *garimpeiros* at around 0600 hours. Mateus Ngola explained: "They managed to capture about 40 of us. They ordered us to undress and forced us to do morning and military exercises naked.

"Later, they ordered us to pretend that we were riding a motorbike and to scream at random, as if we were crazy. Right. Then they began to beat us with machetes, shovels and clubs, on the palms of the hand, on the buttocks and on the whole body."

Mr Ngola said he was also beaten on the soles of his feet with a machete.

He continues: "The FAA also tortured the miners, including me. They told us that was their mission. The person who coordinated the operation was a white foreigner, in uniform and armed, who also beat the Angolans, but not me."

“They then put us in a Kraz pick-up [truck] and released us at the top of the quarter, the Villa of Cuango, without clothes. I arrived at the house with my body all swollen. My family cried a lot.”

Note: This interview took place on 9 April 2006, in the vicinity of the municipal administration of Cuango, minutes after the author had talked with the administrator, Passos Gongga, who showed total ignorance of the situation in spite of his weekly meetings with the national police and army.

Case 21

Victim: Adriano Óscar, aged 24, born in Caungula, Lunda-Norte

Date: 19 December 2006

Place: Cambala Quarter, Alfa-5 camp, in Tuaza

Description of events:

A patrol of three Alfa-5 men ambushed more than 20 *garimpeiros* on a public road. According to Adriano Óscar, they then led them, at gunpoint, to the Tazua observation post.

Sobbing, Mr Óscar explained what happened next: “When they realised that the elder Felipe Paulo was my father-in-law, they forced us to have sex together.”

The two men were forced to have sex at gunpoint.

Mr Óscar continues: “They destroyed a family. So how can I face my father-in-law in my house or in his house? How can I cope normally with my wife, having slept with her father?”

João André Candala, aged 23, born in Camaxilo, talked of similar abuses: “The commander of the Tuaza position also forced Sérgio Zacarias [aged 17] to rape Benedito Tito [aged 11].”

While these sexual acts were taking place, said Mr Candala, one of the Alfa-5 security guards asked the men who belonged to the Universal Church of Kingdom of God, Mr Candala’s confessed religion. “I said right away I did,” said Mr Candala, “in spite of being Catholic. I lied and so he left me alone and let me avoid having sex.”

However, the religion didn't save Mr Candala from receiving 15 blows with a club to the buttocks.

Ventura Sanzangue, aged 25, born in Camaxilo, said that the head of Alfa-5 observation post, in Tuaza, took personal charge of torturing the miners. On this occasion, the men were already undressed. The “calmest” men received 12 blows, the so-called rebellious ones received an additional round of 20 to the buttocks.

During the next two days, Mr Óscar was captured by Alfa-5 and received more than 20 blows to the buttocks. On the second day, he received a further five blows.

“Later, their officer [Alfa-5] charged each one of us US\$100 a day [to allow] for us to work peacefully”, denounced the *garimpeiro*.

Case 22

Victim: Alexandre Pascoal, aged 36, born in Capenda Camulemba

Date: 9 December 2006

Place: Txissueia Island

Description of events:

At 0400 hours, a *garimpo* area was attacked by a group of armed men. Alexandre Pascoal, among others, noted the presence of the 33 Alfa-5 employees, 7 FAA soldiers and 5 men from SDM Industrial Security. Mr Pascoal said the *garimpeiros* were forced to undress. Their clothes were burned and then, lying face down, they were punished.

Mr Pascoal said: “Each one of us took 10 electric shock [cattle prods] blows on the buttocks. Those that were rebellious received more.”

According to Mr Pascoal, “The guards put us in single line they forced us, at gunpoint, to have sex, two by two. As a Muslim, that was the greatest humiliation of my life. They took pictures.”

He continues: “They put us in the pick-ups and they left us near the quarter, naked. Some, who were in underpants, approached the houses to ask for clothes or to send messages to the families to bring us clothes.”

In regard to the level violence with which they are targeted, Mr Pascoal said: “If the Government wants to see where the dead now lie at the hands of Alfa-5, they can come talk to us so that we can show them where the graves are.

Case 23

Victim: João Lourenço, aged 27, born in Cuango

Date: 2 December 2006

Place: Txissueia Island

Description of events:

A patrol of 20 Alfa-5 employees encircled 22 *garimpeiros* at around 0600 in the morning. “They forced us to remove our clothes, to caper around, to do other exercises of military recruits, naked,” said João Lourenço.

The torture had a routine which consisted, according to Mr Lourenço, of “five shovels on the buttocks for each miner. I happened to land with a good man who gave me only 10 electric shocks to the hands.”

Mr Lourenço’s description of his attacker as a “good man” raised a volley of protests from his peers. His fellow *garimpeiros* then explained that he had omitted a key fact: he had been saved the humiliation they suffered, of being forced to kiss each other and exchange caresses, as in the “Brazilian soap operas and in the films”.

Small relief, perhaps, but the security guards allowed the prisoners to put on their clothes. However, as in other cases, their trousers had been cut short – thereby humiliating the *garimpeiros*.

Case 24

Victim: Gabriel José Virgílio, aged 27, born in Cuango

Date: 17 November 2006

Place: Catuto, surroundings of Cuango

Description of events:

According to Gabriel Virgílio, in search of labour for the excavation of a septic tank, as well as repairs to their tents and some grass-cutting around their observation post, eight Alfa-5 employees arrested a group of 11 *garimpeiros* early in the morning.

Mr Virgílio explained: “First, they undressed us in the place where they caught us. We were all naked. They warmed me up with five shovels to the buttocks and three electric-shocks to each hand.”

They continued beating the men, although the interviewee did not go into detail about what happened to the others. After this torturous humiliation, they were forced to spend the rest of the day cutting grass and digging at the Tuaza post.

Mr Virgílio said, “At 1800 hours, they took us by car to the jungle where they abandoned us. We had to walk for more than five hours to reach Cuango.”

Case 25

Victim: Claude Kiwa, aged 32, born in Uíge

Date: 16 November 2006

Place: Txipaxi, vicinity of vila do Cuango

Description of events:

Claude Kiwa was walking along a public road, holding a machete and a shovel, when he was approached by six men from Alfa-5. He was subject to an on-the-spot interrogation about his tools.

According to Mr Kiwa: "I said that I was not going to use them for panning because I was travelling on the public road. Upon that explanation, they grabbed the machete and shovel that I was carrying and began to beat me until I fainted."

A group of villagers found Mr Kiwa, unconscious, by the roadside, and helped him.

Case 26

Victim: Sérgio Caiaia, aged 30, born in Caungula

Date: 15 October 2006

Place: Lucola

Description of events:

A group of 15 Alfa-5 employees arrested almost 40 *garimpeiros* on the banks of River Lucola at around 0900 hours. As a collective sentence, said Sérgio Caiaia, they forced all the miners to undress, to lie face down and they were then beaten, 20 times each, with a shovel to the buttocks.

"They grabbed our trousers and cut off a leg from each, they tore the shirts and t-shirts and then they returned the rags to us and ordered us to go", said Mr Caiaia.

On 19 December the same year, Mr Caiaia was, once again, detained at the same spot, in the company of another seven miners. They returned home with their cut-off trousers, a well-known sign of punishment.

Case 27

Victim: André José

Date: September 2005

Place: Muxinda

Description of events:

A mixed group of Alfa-5 employees and FAA soldiers, of indeterminate number, arrested about 50 *garimpeiros* on the banks of the River Lué, around midday.

André José explained: "First they forced us to undress, then we had to cook for them, with our food. After lunch, they burned our clothes and the food that remained."

According to Mr José later that day, "They forced us to exchange kisses, tongue kissing, to caress and tumble together, man on man. The weakest had sex with one another."

In between the scenes of kisses and cuddling was the beating. Mr José recalls, "They crippled me with a rifle butt to the head, another was stabbed with a bayonet in the abdomen and was left with the wound to bleed a lot. They

released two [other] miners to allow us to take [the injured man] to the village. One Alfa-5 stabbed a bayonet into the left arm of another miner.”

With regard to the rest of the detainees, said Mr José, “They took blows with machetes, sticks and clubs. They brought us in vehicles to the Camariango district [municipal district of Cuango].”

(MISSING ONE CASE

Case 29

Victim: João Baptista, aged 30

Date: 23 June 2005

Place: Cajivunda, municipal district of Xá-Muteba, Lunda-Norte

Description of events:

João Baptista went to pan for diamonds in an area formerly occupied by SDM, but, by the time Mr Baptista was there, abandoned. However, Alfa-5 employees attacked the area and, according to Mr Baptista, tied up his hands and feet and threw him on the grass. They then set fire to the area where he lay and abandoned him. As a consequence, Mr Baptista has severe burns to his face, his hands and his feet, as well as other parts of his body. He has received no assistance from neither Alfa-5 nor SDM.

Case 30

Victim: André Muxito, aged 31, born in Cuango

Date: 14 June 2005

Place: Bridge on the River Cuango, between the village Manuel Angola and the municipal seat of Cuango, Lunda-Norte

Description of Events:

At about 1000 hours, security guards from Alfa-5 surprised a group of *garimpeiros* panning gravel on the banks of the River Cuango. The guards forced the men to empty the gravel into the river. According to local witnesses, the guards kicked the citizen, André Muxito, and then threw him into the water for not obeying their orders. Mr Muxito did not know how to swim and, due to strong currents, he drowned.

On seeing his friend drown, Rafael Samutale managed to escape from the guards and fled to the nearby village to tell people what had happened. Infuriated, the villagers marched to the check-point closest to Alfa 5. In the face of the mob, say villagers, the security guards began firing at the people. Some villagers were seriously wounded including Albino Enoque Congo Cambolo, aged 26, in the lower limbs. He was transported to the SDM clinic, in Luzamba. The medical personnel refused even to provide first aid treatment to the wounded man. Nevertheless, the people left him at the company clinic.

In retaliation, the people decided to stone all the vehicles connected to SDM which travelled along the Mucussuca-Manuel Angola road.

After five days, having failed to treat Mr Cambolo properly, according to the locals, SDM transferred him to Luanda where he could receive appropriate medical treatment.

7.1.4 The Response from the General Manager of Alfa-5

The general manager of Alfa-5, Francisco Guerra, in response to the cases stated above, on 19 April 2006, emphasizes, before anything else, that the conduct of his company is governed by the laws of the country.

“Our mission is to prevent and fight the practices of illegal mining,” said Mr Guerra, “and never to support the alleged behaviour which offends human dignity.

“Our management is decentralized. I cannot say whether these cases took place or not,” said the general, who is on a secondment to Endiama.

Mr Guerra spoke of the social-economic conditions in the area, such as the very high unemployment, as one way of understanding the question of human rights: unemployment foments illegal mining which, in turn, feeds the illicit traffic of diamonds and, as a consequence, the coercive mechanisms used to suppress it.

Another element in conjunction with the abuses, by Alfa-5 employees in the Cuango area, has to do with using the names of the generals who form part of the company, as a passport to impunity. Mr Guerra argues that the company has “suggested procedures to facilitate the circulation of people who live in the area. We have been proposing a population census, as a means of population control and in order for the people to avoid being molested.

“Our operations are decentralized,” he continues. “They are not orders from Luanda. If the individuals should adopt that behaviour it is on their individual conscience. It is what happens a little in those areas.”

He adds, “From our experience, we have managed it so that the projects have excellent relationships with the traditional authorities and the population in general.”

Contrary to the image of Alfa-5 brutality with the local populations, Mr Guerra is categorical: “I don't believe that this behaviour is generalized among our men, but I do not want to overlook those individual cases which could blemish the company's good name. We do have some sad examples.”

Furthermore, he said that a rigorous selection process is used to recruit security personnel. The staff also undergo psycho-technical tests. “We have a training centre in Kikolo,” said Mr Guerra. “Our training programme and the materials that we supply are approved by the national police.”

He adds: “No matter how poor we are, we all have the right to the human dignity.” Once again, he appears to be justifying the absence of any order, coming from Luanda, for the cruel and inhuman treatment inflicted upon the *garimpeiros*.

7.2 K&P Mineira

*The land is ours, and it is up to them
if they kill us or move us to places where there are no diamonds*
António Eliseu, aged 14, garimpeiro

7.2.1 Brief Annotation on K&P Mineira

K&P Mineira is a branch of V.S.S.B – Vigilância e Sistemas de Segurança Bancária, Grupo K&P, SARL.

The partners of the holding company⁵⁹ are the following individuals:

- Comissar José Alfredo “Ekuikui”, general commander of the National Police
- Comissar Alfredo Eduardo Manuel Mingas “Panda”, commander of the Police for Rapid Intervention
- Sub-Comissar Elias Dumbo Livulo, provincial commander of the National Police in Lunda-Norte Province
- Sub-Comissar Eugénio Pedro Alexandre, head of legal affairs at the general command of the National Police
- José Gomes Maria Rodrigues, current K&P Mineira General Manager

The K&P Mineira provides the most antagonistic services in the Cuango area. On the one hand, it is dedicated, in a brutal fashion, to fighting illicit mining (according to the reports cited below). On the other, it has a monopoly over the protection of the diamond purchasing stations from Sodiam/LKI and Ascorp (cf. tables 1 and 2 sections 5.1 and 5.3). It tracks the buyers through the transactions that they carry out in the mining areas.

On 3 March 2006 at 1340 hours, in Muanhangando, the author accompanied one K&P Mineira team which was escorting a foreign buyer assigned to Sodiam/LKI. They went to the *garimpo* area to deal directly with the *garimpeiros*.

⁵⁹ III Série, nº40, de 21 de Maio de 2002, pág. 809.

For this purpose, João José Massaco, aged 36, twice tortured by security guards of K&P Mineira, in River Lumonhe (Luremo), raised a pertinent question: “Do you think that the foreign *contuários* (trading posts) are here to buy corn? If it is diamonds, then, who is digging them?” The answer is obviously the *garimpeiros*.

The level of violence perpetrated by private security companies is provided, right from the outset, by the excessive weaponry they carry with them. K&P Mineira security guards, seen in action, routinely carry cartridge belts on their chest with several clips of magazines.

On 30 March 2006, a group crossed the settlement of Kinzamba, close to Villa do Luremo, at around 1700 hours. Local residents say the presence of the security guards in the neighbourhood was daily and that it inspired great fear.

Minutes later it was possible to approach the service guards at the main gate of the Luminas. From an improvised observation post, close to the access gate, eight *garimpeiros* were found tied together, showing signs of having been beaten.

In response to the question on ‘why would the guards be motivated to mistreat other human beings with such brutality?’, the sentry broke into a smile and said, without making much sense “The stress level of the Angolans is very high, hence the frustration. Actually we are all Angolans and we should treat one another differently.”

His colleague, in an act of contrition, grabbed a package of crackers and threw them to the prisoners. Several employees of the project, including a senior one, passed by the place without appearing to be bothered by the fact that the company was being used as an illegal detention centre for *garimpeiros*.

On the illegality of the *garimpeiros*' detention, in the Luminas facilities and under those conditions, the K&P guard pointed to his own chest, to the company emblem written on the uniform. “Do you know what K&P means?” he asked. On receiving a negative response, he then explained, “They are the bosses, they give the orders. Have it out with them.”

The following day, a K&P Mineira patrol on foot passed before the author, who was noting down cases in the village of Donga, by the roadside, around 1800 hours, with 10 *garimpeiros* tied to one another, some of whom were bleeding. They were heading for the Luminas facilities.

It is in those facilities where the Russian citizen, Yuri Kovtun, known for his brutality as the “*boxer of Luremo*”, beat the Angolan citizen Simão Armindo Verónica, on 2 October 2005. As soon as the police learnt about the case, they

detained the Russian, under process 263/05. However, they had to release him the following day on “higher orders.” The case stopped there.

7.2.2 Description of violations in 2006

Case 1

Victim: Morais Ambrósio, aged 27, born in Luremo

Date: 26 May 2006

Place: Banks of the River Cuango, near Ngungo, Luremo

Description of events:

Unknown numbers of K&P Mineira guards attacked and seized control of the Ngungo diamond-digging area. With guns at the ready, they prevented Morais Ambrósio from running away. First, they kicked him and beat him with rifle butts to the chest. Then, while he was writhing on the ground, they delivered at least 20 blows to his back.

"Then, they tied me up," said Mr Ambrósio.

Case 2

Victim: Félix Damião, aged 28, born in Benguela

Date: 17 May 2006

Place: Bula

Description of events:

Seven security guards from K&P Mineira surprised a group of *garimpeiros* while they were having breakfast early in the morning. The guards ordered the diggers, at gunpoint, to throw their food on the ground and remove their clothes. Félix Damião said he was beaten 20 times on his back. He said the guards detained him for four hours.

Case 3

Victim: Deloy Mpemba, aged 20, born in Luremo

Date: 17 May 2006

Place: Bula, Luremo

Description of events:

A group of *garimpeiros* were on their way to the neighbourhood of Kelengue after finishing their work at the end of the day. On the way they met a team from K&P Mineira who beat them on the buttocks with machetes.

Deloy Mpemba does not remember how many diggers nor how many security guards were involved.

"They beat me to the point where my buttocks were swollen and I lost consciousness," he said. "When I recovered consciousness it was already dark

and I couldn't walk. I had to sleep right there, until the following day. I practically crawled to the bairro [residential area]."

Mr Mpemba still has serious injuries on his buttocks and walks on crutches.

Case 4

Victim: Timóteo Bândua, aged 30, born in Mbanza-Congo, Zaire province

Date: 7 May 2006

Place: Luremo

Description of events:

On the way from Bairro Kelengue to the village of Mona Mahango, at dusk, Timóteo Bândua came upon a three-man patrol from K&P Mineira.

He said: "They ordered me to stop and forced me to read what was written on the sign at the roadside [Luminas concession area]. Then they said, 'Don't you know this is a concession area and it is prohibited to pass through here at this hour?'

"I responded: 'I am on the road, on a public thoroughfare. I don't have any diamond-digging equipment to arouse your suspicions.' Then they started hitting me with the butts of their AK rifles on the back.

"When I tried to react they pointed their weapons at me and I stopped doing anything, having seen that the three were fully armed. They ordered me to lie on the ground, took the belt from my trousers and used it to whip my back for about 10 minutes," the victim explained. After that, he was ordered to go on his way.

Case 5

Victim: Abel Mateus, aged 40, born in Luremo

Date: 20 April 2006

Place: Kelengue, Luremo

Description of events:

A group of seven K&P Mineira guards stopped three *garimpeiros* who were walking along the road in the direction of a local residential area, after digging for diamonds on the banks of the river Lué.

Abel Mateus said: "They forced us to change our clothes. When we tried to disobey, they opened fire on us. Thanks to the Lord, the shots hit no-one. We complied, and they ordered us to lie down on the ground. The 'kabetula dance', as they call that kind of a beating, then began. Each of us received 10 blows to the back and 10 to the hands."

Next, the diggers were taken as far as the River Lumonhe, where they were set free at around 1800 hours, two hours after they were first held. They were naked from the waist up, and barefoot.

"They helped themselves to our belongings," Mr Mateus explained. "They left us with our trousers because they were worn out from kneeling to work."

Case: 6

Victims: Seba João Fernando, aged 40, born in Uíge; Tomás Adão, aged 18, also from Uíge

Date: 20 April 2006

Place: Bula, Luremo

Description of events:

Seba João Fernando was washing gravel in the Bula diamond-digging area when he was surprised by some K&P Mineira security guards, who pointed guns at the diamond diggers.

He said: "They began to hit us with the spades that we used for digging diamonds."

He said he received 15 blows on the buttocks and a further five on each hand. He pretended to lose consciousness. The guards, according to his account, tried to revive him by throwing buckets of water onto him, which gave him the strength to run away.

He also spoke of being subjected to the ritual of undressing and fleeing with only his underpants, and that after the beating the guards burnt all the clothes they had gathered. He did not know exactly how many diamond diggers suffered at the hands of the guards.

Another digger, Tomás Adão, who was in the same place, saw his colleague being captured and tried to run away, without success. He was held at gunpoint. He went through the ritual of taking off his clothes, lying on the ground, and being whipped 30 times. Two weeks later, he was still complaining of swelling and pain in his back.

Case 7

Victims: António Eliseu, aged 14, born in Luremo; Bartolomeu Mussuel, aged 19, also born in Luremo

Date: 20 April 2006

Place: Bula, Luremo

Description of events:

At about 1000 hours, the young António Eliseu and his friend Bartolomeu Mussuel, both fell into the hands of K&P Mineira on the banks of the River Cuango.

"They ordered us to come out of the water, and one of the guards slapped me in the face," António explained. "The guard asked me how it was that a child was

already digging for diamonds. I replied that I had no way of supporting my education, as my father does not work and there are not jobs in Luremo."

António thinks the K&P Mineira guards interpreted this explanation as a challenge to their authority. One of them hit him with a barrow on his head. He then received 15 blows to the hand and lower back. António testified that after the punishment, the guards ordered him to act as their spokesman among other children and to discourage diamond digging.

"I told them that the land is ours, and it is up to them if they kill us or move us to places where there are no diamonds," the boy said.

As for Bartolomeu Mussuel, when he intervened to try to stop the boy from being beaten, he felt the weight of a gun on his head. A blow from a rifle butt left him bleeding in the river. Mr Mussuel said, "One of the guards tried to save me from being carried away by the current, and dropped his hat. He became furious when he saw his hat floating away on the current, and two of them kicked me."

António and Mr Mussuel were both held for about two hours at the Luminas premises before being released.

Case 8

Victim: Francisco Pinto, aged 17, born in Luremo

Date: 20 April 2006

Place: Banks of the River Lumonhe, Kelengue

Description of events:

Francisco Pinto was fishing early in the morning when K&P Mineira guards interrupted what he was doing.

"They told me to stop fishing in the river, because the fish were also included in the diamond concession area," he said.

He said that when he tried to argue in his defence, one of the guards hit him violently with a stick in his face. "I lost consciousness on the spot, and they left me. Later, other colleagues came to my assistance," he said.

Case 9

Victims: Kassongo Fisto, aged 24, born in Kahemba, DRC; Morais Guilherme, aged 31, born in Camaxilo, Lunda-Norte

Date: 19 April 2006

Place: Kelengue, Luremo

Description of events:

Kassongo Fisto was among a group of early morning diamond diggers who were ambushed by K&P Mineira security guards on the access route to the River Lué, at around 0400 hours.

Others in the group escaped under the cover of darkness. Kassongo Fisto said the guards caught him and Morais Guilherme.

"They took off our clothes, ordered us to lie down, almost naked as we were, and each of us was beaten 30 times on the buttocks with a spade. When I tried to resist, they hit me in the mouth with a rifle butt. I began bleeding and lost consciousness," Mr Fisto said.

Mr Guilherme said that when the guards saw Mr Fisto lying still, they ordered the former to be silent and to obey their orders if he wanted to avoid the same fate.

"I replied, 'You have just killed my friend, you can kill me too.' The guard said 'You're a dead dog!' When they were trying to see whether my friend was really dead, I took the opportunity to run away."

Case 10

Victim: Ndombe Massala, aged 30, born in Kikuit, DRC; Nday Ndombe, aged 29, born in Tembo, DRC; Txikanda Mossogi, also from DRC

Date: 13 April 2006

Place: Kelengue, Luremo

Description of events:

The K&P Mineira employees surprised these three individuals who were panning for diamonds, and tied them together by the waist. They were then marched to the captors' barracks where they were put to work as slaves with the task of fetching water, sweeping and cutting wood.

"Later they beat me with the handle of the shovel on the buttocks," Txikanda Mossogi explained.

In the case of Nday Ndombe, he explains how the guards ordered him to lie on the ground, face down, and then "beat me with the handle of the shovel in the spine."

Ndombe Massala was hit in the head. "Later they released us", he recounts.

Case 11

Victim: Adão Milton, aged 27, born in Luremo

Date: 12 April 2006

Place: Mona Mahangu

Description of events:

Intercepted on the public road, in the middle of the afternoon, Adão Milton recounts how two K&P Mineira security guards turned out his pockets and inspected his anus in search of diamonds.

“When I tried to speak, they began to beat me about the face. My friend fled. One of the security guards told the other one to shoot me,” Adão Milton explained. “The other said he wouldn’t, because my friend who fled could report everything. Then, they beat me with a club on my spine and released me.”

Case 12

Victims: Magalhães Carlos, aged 30, born in Luremo; Jean Claude, aged 32, DRC

Date: 30 March 2006

Place: Cangau Creek, Txatxo

Description of event:

“Here, in the Lundas, we don’t have factories, we don’t have jobs, nothing! Only diamonds”, Magalhães Carlos said.

Surrounded by three elements of the K&P Mineira security around noon, the prisoners had to experience a new sensation: to sing naked.

“They ordered us to sing and dance *ndombolo*, without any clothes on,” explained Mr Carlos. “After we sang, they ordered us to lie down and we each received 50 to 60 strokes of a cane on the back, on the buttocks and on the legs.”

As a supplementary punishment, the men also had to weed in the rain, at the project facilities. This gave them the chance to escape, which they did.

Case 13

Victim: Silva Matumona, aged 29, born in Kahemba, DRC

Date: 30 March 2006

Place: Kelengue

Description of events:

Five K&P Mineira employees set up an ambush on the trail leading to the River Cuango. At around 1400 hours they stopped a group of *garimpeiros* and slapped them all around the face.

Silva Matumona recalls: “They told us that we were very lucky because they had slept very well that day. Otherwise they would have tied us up and brought us to their post. They freed us with the order to run to the Quarter.”

Mr Matumona said they were “blessed” by the guard’s good humour.

Case 14

Victim: Ngunza Moisés, aged 47, born in Caungula, Lunda-Norte

Date: 29 March 2006

Place: Banks of the River Cuango, Bula area, Luremo

Description of events:

In need of manpower, three K&P Mineira employees carried out a raid in the area, with dogs. They stopped Ngunza Moisés who was with two other citizens from the DRC, Mbila Mahingi and Mutombo.

Mr Moisés said: “They tied up the three of us[by the waistline], and they took us to the post where we made to get water, wash their uniforms, cut the grass and clean their tent. They released us at the end of the day.”

Case 15

Victim: Ndeye Kassongo, aged 33, DRC

Date: 26 March 2006

Place: Ngoya

Description of events:

At around 1900 hours, according to Ndeye Kassongo, K&P Mineira security employees set up an ambush on one of the roads. It was a check-point which they used to stop an undefined number of miners and passers-by.

Mr Kassongo said: “They forced us to undress and they tied us together at the waist. They took us to their post in Bula. They threw water on our bodies to hurt us more, and they began to beat us with blows from the weapons and handles of shovels.”

The miners spent a night in captivity at the Bula post. The following day, said Mr Kassongo, “They ordered us to fetch water and to sweep the surroundings of the post. We made breakfast for them. They gave us cassava, we ate and were released.”

Case 16

Victim: Francisco Melo Kingango António, aged 22, born in Malanje

Date: 23 March 2006

Place: Bula

Description of events:

A K&P Mineira employee found Francisco António in his hole, working hard digging for diamonds. The employee immediately hit Mr António on the head with a club.

“I began to bleed a lot,” said Mr António, “and the other guard asked him not to beat me more. They rained blows on the [four] others and then took us to the police station, in Luremo, where we had to weed, before they sent us home.”

Mr António still has stitches in his head.

Case 17

Victims: Samba Martinho, aged 22, born in Luremo; Luzia José, aged 30, also from Luremo

Date: 20 March 2006

Place: Banks of the River Cuango, Txatxo area, Luremo

Description of events:

According to an eye-witness, who asked to remain anonymous, at about 1130 hours six K&P Mineira employees dispersed the miners in the area, using heavy firing. They also took two women who were engaged in domestic tasks and raped them.

The eye-witness said: “The victims, accompanied by the tribal chiefs, presented complaints to administrator of Luremo, João Bernardo, who just turned a deaf ear.”

Case 18

Victims: José Bartolomeu, aged 48, born in Luremo

Date: 20 March 2006

Place: Kinzamba Creek, Luremo

Description of events:

A patrol several K&P Mineira employees surrounded a group of *garimpeiros* at about 2300 hours and forced them to undress. According to José Bartolomeu, “Jaime was hit more than 30 times with the flat of a machete on his buttocks in front of his wife, Dona Tété. João Martins, Anselmo Mutombo, Lóló, Isaac [from Uíge], Paulino, Simão Mussanda and I also suffered a beating with machetes.”

The K&P Mineira men tried to establish an agreement with the miners, according to Mr Bartolomeu, in order to persuade them to share their gains.

“We refused,” said Mr Bartolomeu. “They took us inside the Luminas Project’s facilities, near their camp, where they forced us to roll in the mud while they beat us with whips. They were more than 10 of them, including their boss Adão, and they all lashed us with whips. We passed the whole afternoon there scraping and crawling in the mud.”

“For that, Angola is a foreign country to us. We, Angolans, are treated worse than animals,” said Mr Bartolomeu (cf. case of 2 March 2006, same section).

Case 19

Victim: Wilson Ngamba, aged 27, born in Kikuit, DRC

Date: 14 March 2006

Place: Kelengue

Description of events:

In the early hours of the morning, an armed K&P Mineira patrol came across a group of *garimpeiros* who were panning.

Wilson Ngamba said: "They rounded us up. We tried to flee but they said they would unleash the dogs if we did. So we stopped. They asked us if we had already obtained some stones. With fear, we said yes and they asked to see the diamonds.

"We showed two stones. They said that we had more stones hidden and we said no. They forced us, then, to pan the whole gravel. We obtained four more stones.

"Then they began to dance. They did not beat us, they just took possession of all the stones, they destroyed our equipment and they ordered to return us to the quarter."

Case 20

Victim: António Francisco of Silva, aged 22, born in Malanje

Date: 10 March 2006

Place: Muhetu, Luremo

Description of events:

In the early hours of the day, a K&P Mineira patrol tried to catch a group of seven *garimpeiros*. All of the miners escaped apart from António Francisco de Silva: "They punished me with 45 shovel blows on the buttocks, on my back and on my hands. I was laid up in bed for a week, all swollen."

Case 21

Victim: Nestor Mbavo, aged 29, DRC

Date: 10 March 2006

Place: Kelengue

Description of events:

Towards the end of the day, a group of guards from K&P Mineira tried to capture three *garimpeiros*. However, they only caught one, Nestor Mbavo, who explained: "They beat me with a shovel handle in the head. When they saw that I was bleeding, they forced me to change my clothes and ordered me to go home in my underpants."

So Mr Mbavo tried to find help. "At the entrance to the quarter," he said, "I asked a friend to arrange some shorts for me to dress and go past the people."

Case 22

Victim: Abreu José Domingos, aged 38, born in Xá-Muteba

Date: 2 March 2006

Place: Bula

Description of events:

At a provisional checkpoint set up by K&P Mineira on the Bula road, Abreu José Domingos tried to exercise his rights and show the guards he understood the law of the country. The men at the checkpoint said they wanted to inspect the vehicle in which Mr Domingos was travelling.

The security guards said they were preventing the circulation of mining material, however they also included other goods such as food and clothing.

But Mr Domingos stood firm: "I said that, as an Angolan, I do not have to be punished in that fashion. I explained that the security guards only have the mission of controlling the mines, not the public rights of way.

"So they slashed me with a knife in the chest, on the right side. They burned all my goods and I lost US\$200."

At the time of compiling the information, on 13 April, Mr Domingos was still receiving medical assistance and was in a precarious condition.

Case 23

Victims: António João, aged 45, born in Luremo; João José Massaco, aged 36, also born in Luremo; José Calelau, aged 28, also from Luremo

Date: 20 February 2006

Place: Luremo

Description of events:

"They told us that they are here to cut off our tails," António João said of a clash he and six other *garimpeiros* experienced with four guards from K&P Mineira. The security men fired five shots to try and prevent the miners' escape.

The interviewee said he received 30 blows on the buttocks with the flat of a machete. His companions were also hit, he said.

João Massaco said he was beaten on the soles of the feet. His friend, José Calelau, had a shovel placed between his legs by one of the guards, who then pulled, with all his might, to try and separate the handle from the shovel. In so doing, he injured the bones in Mr Calelau's legs.

The men were then forced to weed around the K&P Mineira observation post.

Mr Massaco said: “We have returned to the time of the slavery. Here [in Cuango] we are in slavery and some people want to take refuge in the Democratic Republic of Congo.”

Case 24

Victims: José Bartolomeu, aged 48, born in Luremo,

Date: 18 February 2006

Place: Kinzamba Creek, Luremo

Description of events:

K&P Mineira elements surrounded the area where the following *garimpeiros* were panning for diamonds: Sebas, 42, Avelino António, 36, André Bragas, 32, and José Bartolomeu.

Mr Bartolomeu explained: “They forced us to lie face down. One of them sat down on the miner’s head and the other on the buttocks, while the third thrashed their backs with the flat of a machete blade.

“There was only screaming, they beat us so badly!” he said. Under such conditions it was not possible to count the number of blows.

The miners were taken to Luminas facilities, where they had to provide personal information. Afterwards, they were taken to the Luremo police station where they were released, after paying 2,000 kwanzas each, or US\$25.

Case 25

Victim: José Pedro, aged 54, born in Luremo

Date: 7 February 2006

Place: Banks of River Lumonhe, close to the village of Donga

Description of events:

Four K&P Mineira employees approached a group of seven *garimpeiros* at about 0600 hours. Three of the *garimpeiros* fled on the spot.

José Pedro said: “As I was the oldest of the group, K&P Mineira told me that I had to suffer more. They hit my buttocks several times with a machete. Then, one of them put a shovel between my legs and pulled with all his might to separate the handle from the shovel. The iron [shovel] injured the bones of the legs.”

After the beating session finished, the same *garimpeiro* continues, “Even after we had explained that we already had an agreement, with their colleagues, to work in the area, they demanded a payment of US\$200 for each of us to be released. At about 1800 hours the same day, they appeared at our house to negotiate a percentage.

José Pedro said: “The following day, they arrested us again at the same place. We paid another US\$100 to let us work with the water-pump and another US\$1200 of percentage [for the *garimpo* findings]. The head of the group was Toni, the same man who shot the youth Muacassenha [cf. case 28, same section].”

“Here in Lundas we are very badly off,” Mr Pedro concluded.

7.2.3 Description of Violations in 2005

Case 26

Victim: João Manuel Santana, aged 33, born in Cuango

Date: 22 December 2005

Place: Kanzu – I

Description of events:

Around 1400 hours, a patrol of four K&P Mineira guards surprised a group of *garimpeiros*.

João Manuel Santana said: “A foreign white man who claimed to be in charge of the exploration was leading the [K&P] group. They forced us to remove our clothes. All the others fled, so I was alone.

“I served as a punch-bag for my captors. Then they transported me in the back of a pick-up [truck] wearing just my underpants, to the Luminas headquarters where they gave me some threadbare shorts to put on and some tatty sandals. They kept hold of my clothes and shoes.”

When Mr Santana was taken to the Luremo police station, the officer on duty, refused to detain him on the grounds that a formal complaint and evidence that a crime had been committed would be necessary. As a result, the guards released the *garimpeiro* in front of the police station.

Case 27

Victim: Adriano Leonardo Barros, aged 22, born in Luanda

Date: 28 November 2005

Place: Banks of River Cuango, Txatxo area

Description of events:

A K&P Mineira security guard identified as Leonardo Mateus Baptista, found Adriano Leonardo Barros in a hole, mining for diamonds. The guard shot Mr Barros twice in the right leg.

The following day, the Luminas Project – under pressure from Mr Barros’ family – transported Mr Barros to Luanda. There, the wounded man was admitted to the Luanda Military Hospital. However he was discharged 13 days later, on 12

December 2005, because of the debt he had accumulated for the cost of treatment.

“My sister, Adriano's mother, has been demanding the payment for the treatment from Luminas. It is needed in order to remove the bullets from the youth's leg. But the company does not want to hear anything more about the matter. The foreigner [in charge at Luminas' facilities] with whom she [Adriano's mother] spoke did not say anything.”, said Mrs. Rosa.

Mrs. Rosa said that the day before Mr Barros, her nephew, was shot in the leg, he had paid the security guard US\$50 and a bottle of wine in order to be allowed to mine.

“Despite this, they fired on the youth. They also wanted to hit another youth at his side.”, Mrs. Rosa explained.

Case 28

Victim: Bernardo Marco, aged 42, born in Luremo

Date: 20 November 2005

Place: Banks of River Cuango, Txatxo area.

Description of events:

A patrol of two armed guards from K&P Mineira came across four *garimpeiros* in a hole digging for diamonds.

Bernardo Marco said: “They ordered us to come out of the hole and to lie face on the ground. Without any evidence, one of them called me a sorcerer for panning, and then hit me very hard with six blows from a machete to my back. I still have four scars.

“The others [three other *garimpeiros*] were hit seven times with a machete. Then they ordered all of us to leave. The following day we returned to the same place to pan gravel. But the guards caught us again and beat us again with machetes.”

Case 29

Victim: Domingos Morais, aged 46, born in Malanje

Date: 15 October 2005

Place: Metle Dam, Ngungo, Luremo

Description of events: At around 0900 hours a group of men from K&P Mineira attacked a mining area.

According to Domingo Morais: “We had finished breakfast and we did not even have time to flee. One of them heated up a machete in the fire where we boiled our coffee. Then he beat me on the buttocks, four times, with the very hot machete.

“One of the policemen who [also] had his [diamond] project there, and was working with us, threatened the K&P Mineira guards. He said ‘One day weapons will be removed from the cache to fight just that type of abuse.’ After that, they left us alone.”

Mr Morais testified that, on the same day, the K&P Mineira security guards fired upon “the mother of a Congolese”.

Case 30

Victim: Carlos Timóteo, aged 50, born in Quela, Malanje

Date: 1 September 2005

Place: Banks of River Cuango, Txatxo area

Description of events:

Carlos Timóteo said: “The K&P Mineira guard Osvaldo appeared, with a cartridge belt on the chest and 10 magazines. We were a team of four, two working with the pump-motor and two on the sieve. They took us inside the Luminas [Project], where we spent all day weeding.”

According to the *garimpeiro*, once the forced labour at Luminas was finished, “Without even giving us a drink of water, they transferred us to the Cangau post where a guard, identified by the name of Osvaldo, applied the following sentence:

“First they made Joãozinho [*garimpeiro*] lie face down. Osvaldo beat him on his buttocks, with seven strokes from a shovel. Because he was so young [16 years-old], the boy almost chewed the earth because he was in so much pain. As the eldest, I only took three shovel blows to my back. Osvaldo also beat the other *garimpeiros* with shovels.”

Later, the guards took the miners to the Luremo police station where they were held in cells overnight. According to Mr Timóteo, who was identified as the boss of the mining-hole, “The police told us that we were not criminals, that the problem was a lack of jobs. They ordered us to clean the station and then they released us.”

Case 31

Victim: João José Massaco, aged 36, born in Luremo

Date: 30 August 2005

Place: Banks of River Lumonhe, Luremo

Description of events:

In the morning, nine men from K&P Mineira stopped eight *garimpeiros* by firing several shots into the air.

João José Massaco said, “They made us stretch out on the rocks then they beat us with machetes on the buttocks. They beat us very badly. They took a big swing and had a lot of force.”

Mr Massaco could not provide more details because, he said, “The shots that the guards made in the forest seemed like a military attack, and the pains from the machete blows were such as not to think of anything else.”

Afterwards, the *garimpeiros* were sent to Luminas headquarters, where they were made to weed until the end of the afternoon.

Case 32

Victim: Alé Sibó, aged 31, born in the DRC

Date: 31 May 2006

Place: Muana Mahango settlement

Description of events:

An eye-witness, said that a group of nine guards from K&P Mineira caused a commotion in the area when they knocked Alé Sibó's residence,. There was no time to accommodate his visitors.

According to a neighbour, “[Mr Sibó] told the guards that he would look for chairs inside the house so they could sit down, but then they fired three shots at his left foot.”

The same neighbour said that the incident was the result of a joint diamond-panning arrangement between the K&P guards and Mr Sibó. The K&P guards suspected Mr Sibó of holding back a valuable stone for himself which they believed belonged to them, as “concessionaires”.

7.2.4 The Response from the General Manager of K&P Mineira

The author approached the general manager of K&P Mineira, José Gomes Maria Rodrigues, on several occasions with a view to carrying out an interview about the abuses detailed above, which took place between the 7 April and 27 June 2006. However, Mr Rodrigues ignored all requests made by letter, fax or phone.

7.3 Teleservice

“Was Teleservice ordered here to abuse and kill people?”
Estevão Calenga, aged 48, garimpeiro

7.3.1 Brief Annotation of Teleservice

Teleservice is an Angolan private security company legally recognized on 16 December 1993, with 500,000 stock options distributed between its partners⁶⁰ in the order below:

- General António França Ndalú, with 50,000 shares
- General João Baptista de Matos, former FAA chief of staff, with 50,000 shares.
- General Luís Pereira Faceira, former FAA chief, with 45,000 shares.
- General António Faceira, former commander of the “Red Berets” Commandos, FAA, with 40,000 shares.
- José Carlos de Sousa Figueiredo, 40,000 shares.
- José Pedro Fernandes da Silva, 40,000 shares.
- General Armando da Cruz Neto, former FAA chief of staff, current ambassador to Spain, 35,000 shares.
- General Paulo Pfluger Barreto Lara, former head of main planning and organization division of FAA, with 30,000 shares.

Impressively, Teleservice holds the monopoly on security services supplied to the oil and gas industry in Angola. They have contracts with, among others, Sonangol, Chevron-Texaco, Total, Norsk-Hydro, Esso, Petromar and Halliburton.

As for the diamond industry, it guarantees protection to De Beers Prospecting (Lucapa), Sociedade Mineira do Lucapa (Lucapa), Associação Chitotolo (Nzagi) and ITM (Mufutu), all of which are located in Lunda-Norte.

As a warranty for the quality of services, according to the company brochure, “Teleservice possesses, in Luanda, a professional training centre, staffed with training personnel, with technical and pedagogic training acquired in specialized centres abroad, which guarantee a high level of utilization of the instruction.”⁶² This Teleservice centre in Luanda relies on the technical assistance and permanent supervision of the South African company, Gray Security.

Teleservice still provides a pocket book⁶³ to its agents, the contents of which includes codes of conduct and discipline for its security officials and employees. The guide emphasizes the need for professional pride, respect of the law and the company, as well as representing its image in a positive way.

The professional rigour and training quality of the Teleservice security agents, in theory, also extends to the ones assigned to Cuango. In the bridge episode (cfr. section 3.4) it is possible to analyse Teleservice’s command chain and structure. For one vehicle trying to cross the bridge, without prior authorization, the guards

60 Gazette of the Republic, Serie III –Nº33–August 12, 1994, p. 999.

61 Teleservice SARL, letter of introduction

62 Same.

63 The Teleservice management was kind enough to provide a copy of the pocket book.

communicated to their immediate boss who appealed for the intervention of his superior.

The example of the bridge is very symbolic for more than one reason. On 11 April 2006, the command of the Cafunfo police station sent a team to an improvised bridge by the Pone road This is close to the Teleservice control area known as Point Zero. According to a police official who was singled out for the operation, the discovery of a diamond-rich area under the bridge “inspired the Teleservice staff to sponsor a group of *garimpeiros* and to protect them while they explored the site, despite the risk of causing the bridge to collapse and so sever the road connection between Cafunfo and Luremo.”

At dawn, on 17 May 2006, police officers encircled the area around the bridge. Then four police officers, disguised as taxi drivers, negotiated with the Teleservice guards for their passage over the bridge for US\$50. One of the policemen took a picture, to use as evidence of Teleservice’s abuses. As a result, a brief shoot-out broke out. No-one was hurt. The police action resulted in the capture of four Teleservice guards, namely Bernardo Custódio, Emílio Ernesto Elione, Lourenço Miguel and Andrade Miguel, as well as four weapons of the AK-M type and a PKM machine gun. The police also burned the Teleservice check-point, which had also been used as a torture centre.

On 6 February 2006, Tomás Txialua, aged 42, found a decomposing body, with clear bullet marks, next to the tent of the Teleservice post. He told the local police station and a policeman confirmed that the case was “one more piece of evidence of Teleservice’s despotism”.

7.3.2 Description of Violations in 2006

Case 1

Victim: Floriano Moisés, aged 24, born in Cafunfo

Date: 14 May 2006

Place: Cateu, Cafunfo

Description of events:

Floriano Moisés was washing gravel when he was surprised by Teleservice guards who opened fire. Immediately Mr Moisés tried to run away but failed. One of the guards thrust the barrel of a gun into his mouth.

"They ordered me to wash all of the gravel. I found three diamonds. I was unable to assess the weight as I had no scale," he said.

After taking the diamonds, one of the guards hit him on the back of the neck, causing Mr Moisés to lose consciousness.

Case: 2

Victim: Novais Bonifácio, aged 30, born in Uíge

Date: 7 May 2006

Place: Cafunfo

Description of events:

Novais Bonifácio was confronted by four Teleservice guards on the bridge over the River Cuango in the Pone area, and was interrogated about his diamond digging activities.

"I explained that owing to lack of employment, digging diamonds is my means of subsistence," said Mr Bonifácio. "The men became very agitated and began to beat me. They threw all my tools into the river and took me to a tent where they beat me 20 times on the buttocks."

Later, he was set free.

Case 3

Victim: Gegé André Mulemessso, aged 29, born in Lucapa, Lunda-Norte

Date: 2 May 2006

Place: Kamabo, Cafunfo

Description of events:

Gegé André Mulemessso met some Teleservice guards at around 1500 hours.

"I was washing gravel," he explained, "and they asked me if this was my father's area, so I could be there digging diamonds as I wished. I responded that I am Angolan, unemployed, and that diamond digging is my method of survival."

At this point, said Mr Mulemessso, "A war began!" He continues: "They threw me to the ground, they hit me with a spade 30 times on my thighs and five times on the palms of my hand. They let me go three hours later."

Case 4

Victim: Jacinto António Bartolomeu, aged 26, born in Caungula, Lunda-Norte

Date: 25 April 2006

Place: Kamabo, Cafunfo

Description of events:

A patrol of five Teleservice guards found Jacinto Bartolomeu washing gravel with his colleague Neves Felipe. They took the two men in a vehicle to the headquarters of SMC where they were interrogated. They were asked whether the area in which they had been digging was sold or not?

Mr Bartolomeu replied that he did not know, at which point one of the guards said he would explain "the truth". The same guard then accused the two men of trespassing on private property, and proceeded to whip each of them 20 times on

the hands and 10 times on the buttocks. The guards cut off one trouser-leg from each man's trousers so everyone would know they had been subjected to punishment.

Case 5

Victim: Óscar Tito Neves, aged 20, born in Camaxilo, Lunda-Norte

Date: 12 April 2006

Place: Pone, Cafunfo

Description of events:

Óscar Neves was returning home after bathing in the River Cuango in the Pone area at the end of the day. While on the public road, he was ordered by Teleservice guards to explain who the river belonged to and who was allowed to use it.

Mr Neves said: "They [Teleservice guards] asked me whether I knew that I was in a mining concession area. I explained that all the sons of this area bathe in the river so how could people be prohibited from doing this?"⁶⁴

"They hit me with a rifle butt in the eye. I fell over. They tied me up hand and foot and whipped me with a belt, for almost half an hour. Then they let me go."

Case 6

Victim: Quinito Muamussombo, aged 25, born in Saurimo, Lunda-Sul

Date: 10 April 2006

Place: **Point Zero**, Cafunfo

Description of events:

Shortly after midday, Quinito Muamussombo was travelling by motorcycle over the Pone bridge, heading for the Bolinhos neighbourhood which lies within the SMC concession area, when Teleservice guards stopped him. On his back, he was carrying a bag with dried fish, rice, pasta and sugar. "When they saw the food, the guards accused me of digging diamonds. I tried to explain but was hit with a rifle butt in the face. Soon I began bleeding from my nostrils," Mr Muamussombo explained.

The victim the men from Teleservice burnt his bag and tried to do the same to his motorcycle, but gave up and instead beat him in his groin area. He was released after two hours.

Case 7

Victim: Armando João Caetano, aged 18, born in Cafunfo

Date: 10 April 2006

⁶⁴ There is no piped water in the area

Place: Banks of River Cuango, Kamabo area, Cafunfo

Description of events:

Six *garimpeiros* tried to flee when they noticed that they had been encircled by armed men just after midday. However, their attackers fired into the air to prevent any escape.

After they had been caught, Armando Caetano recounts the “extra-judicial” processes which took place, starting from the time when his captors forced him to undress. Then, they wet his entire body and beat him repeatedly with a wet club, which enhances the pain, in the lumbar region. They also broke one of his fingers.

Later, Mr Caetano had to walk about 40 km to get home, by which time he had badly swollen feet.

Case: 8

Victim: Henriques Mateus, aged 32, born in Cuango

Date: 9 April 2006

Place: River Lué, Cafunfo

Description of events:

Teleservice guards surrounded and fired on a group of diamond diggers whom they discovered bathing at about 1130 hours. According to statements from family members, the guards kicked and hit one *garimpeiro*, Henriques Martins, so badly with a rifle butt to the chest and back, that blood began coming out of his mouth. The family members did not say how many other diamond diggers received the same treatment. They said the guards took Mr Martins in a vehicle to the Pone area and left him there. He was rescued by passers-by, but died on the way to Cafunfo town.

Case 9

Victims: Adão Gonçalves Moisés, aged 50, born in Lubalo, Lunda-Norte; Domingos Novais, aged 38, also born in Lubalo

Date: 8 April 2006

Place: Pone, Cafunfo

Description of events:

Adão Moisés had about four hours to display his dancing skills while in the hands of Teleservice guards, who confronted him in the Pone diamond digging area and took him to their lookout post for their own amusement.

"When we got to their tent, they took off our clothes leaving us in our underpants, and made us do the Sassa Tchokwé dance.⁶⁵ Any diamond digger who did not dance was hit with a spade on his back," said Mr Moisés.

⁶⁵ The most popular musical group in the Lundas, which has tried to recapture the richness of the region's traditional rhythms.

According to Mr Moisés, one of the guards hit him with a spade on the fingers of his left hand, causing a fracture. This was because he objected to being forced to dance.

Domingos Novais, who also tried to avoid dancing, was also punished: "As I was trying to run away, one of the guards tripped me. I fell and was hit 30 times with a spade on my spine, which is why I am unable to walk properly."

At about 1300 hours, the diggers were set free.

Case 10

Victim: Tony Muandumba, aged 33, born in Camaxilo, Lunda-Norte

Date: 7 April 2006

Place: Pone, Cafunfo

Description of events:

Tony Muandumba was part of a line of diamond diggers Teleservice guards tied up to one another, at gunpoint.

Mr Muandumba said: "They took us to their tents and forced us to take off our clothes. Each digger was hit on the spine 14 times. At 1300 hours we were set free."

Case: 11

Victim: Pedrito Mateus, aged 42, born in Cuango

Date: 7 April 2006

Place: Kamabo, Cafunfo

Description of events:

Pedro Mateus needed 12 stitches in his head after being beaten by a Teleservice guard. He was also beaten badly in the groin area. Six Teleservice employees found a group of diamond diggers washing gravel on the bank of the River Cuango.

Case 12

Victim: Xavier Kola, aged 32; Eduardo Homme, aged 33; Dú dú, 30 years-old

Dates: 7 April 2006

Place: Bula

Description of events:

Four *garimpeiros* were caught in the same hole at about 0600 hours by three Teleservice officials. The four men were walked through the bush by their captors for more than three hours.

Xavier Kola said: “When we arrived at their [Teleservice] camp, close to the River Lué, they tortured us cruelly. I was hit with 15 blows of the shovel handle on each hand and more than 15 on the buttocks.”

Mr Kola said his companions were also punished. He also remembers two other people who were captured in the area, called Nico and Adilson, who were also punished with 30 blows of the shovel handle on their hands and another 15 on the buttocks.

On top of that, the men were forced to perform various tasks, said Mr Kola. “I cut grass, Eduardo washed the uniforms and the others fetched water,” he said.

Case 13

Victim: Armando Txitxi, aged 27, born in the municipal district of Caungula, Lunda-Norte

Date: 7 April 2006

Place: Bula

Description of events:

Three Teleservice employees stopped eight *garimpeiros* in the area of the Bula mine at about 1000 hours. Some other miners managed to escape.

Armando Txitxi said: “Before they took us to their camp, they beat us with the handle of the shovel, 18 blows to each hand and 18 on the buttocks. Because I complained, I received three extra blows to my head.”

At the time of interview, Mr Txitxi’s left hand was still inflamed and one of his fingers had lost mobility.

In the camp at the Cuango Mining Company, the miners had to carry out forced labour. According to Mr Txitxi, “Some had to cut grass, others fetched water, some washed uniforms and, after 1700 hours, they freed us.”

Case 14

Victim: Adão Salvador Moisés, aged 28, born in Saurimo, Lunda-Sul

Date: 6 April 2006

Place: Banks of the River Cuango, Kamabo area, Cafunfo

Description of events:

Adão Moisés said he was used as target practice, for one of six members of a Teleservice patrol, as he walked on the path to the River Cuango. He tried to escape but failed. He said the security guards hit him several times on the head, until he bled profusely. They undressed him in order to humiliate him and forced him to walk on the public road wearing just underpants. He walked all the way to the Teleservice observation post, used to control the Bula area, close to the River Lué. Mr Moisés was held at that post for five days and without food. He

was given no access to any legal assistance. After he was released, a taxi driver picked him up, close to River Lué, and gave him a lift as far as Cafunfo. From there his companions took him to Saurimo.

Case 15

Victim: Felipe Afima, aged 21, born in DRC

Date: 2 April 2006

Place: Bula

Description of events:

Upon spotting a patrol of two Teleservice security guards, Felipe Afima said he and his companions, Samy and Castro, tried to run away.

But according to Mr Afima, the Teleservice men caught him: “While I was running, I tripped on a rock. They [Teleservice] grabbed me and beat me with the flat of a machete three times on my back. I began to cry and they left me alone.”

Case 16

Victim: Cambamba Kabaka, aged 34, born in Bandundu, DRC

Date: 30 March 2006

Place: Catote Area, Bula

Description of events:

At about 0400 hours, four Teleservice employees carried out a raid in the area. Cambamba Kabaka said: “They [the guards] always carry ropes. They had two dogs with them so I could not run away.”

At the time of interview, Mr Kabaka still had visible wounds. His arm joints were wounded, such was the brutality with which he had been tied at the elbows by the guards. Another eight miners, arrested at the same place, had also been tied up brutally.

He said: “They took us to their camp [in Bula] where we passed the day doing domestic chores.”

Afterwards, the Teleservice began the sadistic phase of their assault of the men. They told the miners to undress, said Mr Kabaka. “Then,” he adds, “the head of the post grabbed the shovel and ordered us to lie face-down. Then he beat us all. Each one of us was hit 20 times on the calves, 20 on the hands and 20 on the buttocks.”

At about 1900 hours, the guards ended the day with a ceremony in which they burned their victims' clothes and then released them.

Case 17

Victim: Edó Kassange, aged 21, born in Mukosso, DRC

Date: 30 March 2006

Place: Bula

Description of events:

A Teleservice guard armed with an AK-47, ordered the *garimpeiro*, Edó Kassange, to climb out of the hole where he was mining, with his hands held high. The guard, then tied Mr Kassange at gunpoint and began beating him with a shovel. Mr Kassange lost count of the number of times he was hit.

After this, he was beaten and verbally assaulted along with five other miners. All of them were then forced, by the Teleservice men, to do domestic chores such as fetching water and washing clothes.

Mr Kassange said: "I tried complaining and one of them grabbed the shovel and beat my toes with force. It crippled me and I began to bleed a lot. They released me, but I did not manage to walk far. I slept in the forest until I heard voices. I asked for help from two youths, Bruno and Júlio, who helped me get home, at about 1800 hours the next day."

Case 18

Victim: Dicasso Mutomossi, aged 29, born in DRC

Date: 30 March 2006

Place: Bula

Description of events:

A patrol of three Teleservice employees arrested 10 miners, at about 0600 hours. They then beat them with a shovel.

According to Dicasso Mutomossi, "They tortured each one of us with 40 blows, involving 10 on each hand and 10 on each calf. Then they took us to their camp where we fetched water, washed clothes, cleaned and cooked for them."

Case 19

Victim: Trésor Munanga, aged 24, born in Bandundu, DRC

Date: 30 March 2006

Place: Banks of River Lue, Bula area, Cuango

Description of events:

Five Teleservice employees took control of the Bula mining area at about 0900 hours and detained eight individuals.

Trésor Munanga said: "They tied us with rope by the elbows and took us to their camp at the Caipupo post. There, they undressed us and tortured us with 20 blows each, 10 on the buttocks, five on the hands and five on the calves. They burned our footwear and for six hours we had to fetch water and wash clothes.

Some of us served as cooks and prepared a lunch for them of rice, beans and meat. They did not give us anything to eat.”

Case 20

Victim: Manuel Pedro da Costa, aged 33, born in Caungula

Date: 29 March 2006

Place: Bula

Description of events:

Three Teleservice employees, with two dogs, found a group of *garimpeiros* panning gravel at about 1000 hours. They released the dogs which then ran at the miners. One of the dogs bit Manuel Pedro da Costa in the right foot.

Mr da Costa said: “I did not have any means to defend myself, the dog was so big.”

Case 21

Victim: Papi Kissenga, aged 28, born in Kikuit, DRC

Date: 29 March 2006

Place: Bula

Description of events:

Three Teleservice security guards surprised Papi Kissenga and his two companions who were mining in a hole.

Mr Kissenga said: “They tied us by the elbows. I took three blows to the head.”

The *garimpeiros* were then marched to a local observation post and forced to fetch water, collect firewood, wash the uniforms and prepare dinner for the captors. We cooked *funge* [corn or mandioca meal grits] with meat.

After the guards had eaten, the men were freed.

Case 22

Victim: Freddy Ngangi, aged 28, born in Kinshasa, DRC

Date: 29 March 2006

Place: Bula

Description of events:

Freddy Ngagni was captured at the same time as Papi Kissenga (above). Mr Ngangi had been mining in a nearby hole. A Teleservice guard punched Mr Ngangi who still has a swollen left eye.

Mr Ngangi said: “He punched me to get me to show him where the diamond was. Then he tied me to an iron bar, by the elbows. He used the bar that we use to break rock.”

Case 23

Victim: Eddy Matungulo, 20 years-old, born in Bandundu, Democratic Republic of Congo (RDC)

Date: 27 March 2006

Place: Banks of River Lue, Bula area, Cuango

Description of events:

Three Teleservice employees intercepted six *garimpeiros*, four of whom managed to escape despite being shot at. One of the men, Eddy Matungulo, had also tried to run away but fell in a hole. "One of the security guards," he said, "removed the cord of my track suit. Then he tied me by the elbows while I was still in the hole. Then they removed me and laid me on the ground, still tied up. They beat me with 15 blows to the buttocks.

Mr Matungulo, at the time of the interview, still had scars on his arms where he was tied. He was also forced to work, fetching water and filling the buckets in the guards' tent. His clothes were burned and then he was released.

Case 24

Victim: Justin Alfred, aged 35, born in Uíge

Date: 22 March 2006

Place: Camissombo area, Bula

Description of events:

Justin Alfred woke up early the morning after he'd been captured because a Teleservice guard had started to beat him around the head and chest. Another guard hit him on the shoulder bone. Mr Alfred had been captured by a patrol, when out with two more nimble companions who had managed to escape.

He was released under the orders of Russian man from Teleservice because, said Mr Alfred, "I was bleeding a lot".

Case 25

Victim: Manuel Ngoya, aged 26, born in Luremo

Date: 21 March 2006

Place: Bula

Description of events:

The *garimpeiros* had set up a look-out system. Close to noon, when they noticed a Teleservice patrol, they dispersed. The miners thought it would be enough simply to hide in the grass a few metres from their mining holes. They were wrong.

Manuel Ngoya said: "They [the guards] detected our position, surrounded us and aimed their weapons at us. We were about 20 miners. They ordered us to sit on

the ground. Then one of them got some clubs and they began to beat us, one by one.

“The fellow doing [the beating] became tired, so he was allowed to stop and another man did it. Only one was doing the beating. The person leading the group was a white foreigner, who was also armed with an AK. We do not know where he was from.

“They took us in three Toyota Hilux pick-ups to their post in Quimango, more than 50 km from the place where they’d arrested us. There, we were forced to weed until the evening. Then they freed us at the Teleservice check point in Cangau and we were forced to return on foot, to Cafunfo.”

Case 26

Victim: Estevão Calenga, aged 48, born in the municipal district of Caungula, Lunda-Norte

Date: 21 March 2006

Place: Bula

Description of events:

Estevão Calenga begins his testimony with a question: “Was Teleservice ordered here to abuse and kill people?”

Then he explained his particular experience at the hands of Teleservice employees. “I received 18 blows with a shovel handle on the buttocks when I was nabbed,” he said. “Their leader, a white man with a foreign accent, hit me. This white also gave orders to the others to beat us.”

Mr Calenga did not count the number of Teleservice guards involved in the operation or the number of miners who were rounded up. He said, however, that the *garimpeiros* were driven to a Teleservice observation post at Cangau where they were later released. He and fellow miners had to return home on foot. On route, they passed close to Teleservice’s Point Zero check-point, where they had the misfortune of being picked up again by the security guards there. It was around dawn.

“The patrol picked us up as we were walking on the public road,” said Mr Calenga. “They took us to their post where they beat us with a hose that had a pole inside it. I received 25 blows on the buttocks.”

“There was a cripple in our group who fainted twice because of the number of times he was hit. But they carried on beating him: the Teleservice person said [the cripple] was faking it.”

In his defence, Mr Calenga said: “If I had a job, I would mine. We are not robbing. The land is ours. We fought for that. Not even during the war did they punish people this way.”

Case 27

Victim: Silvério Malange Kalucango, aged 30, born in Saurimo

Date: 21 March 2006

Place: Bula

Description of events:

In a raid performed at noon, a group of Teleservice employees captured 25 *garimpeiros*, according to Silvério Kalucango.

Mr Kalucango said: “I was hit 15 times with a shovel handle on the buttocks. The others [*garimpeiros*] were hit 25 to 30 times on the buttocks, depending on their bad luck.

“They tied us together, placed us in vehicles and we were driven out to the Teleservice post at Vuka, about 50 km from the place where we were initially picked up.”

As part of the punishment, said Mr Kalucango, the Teleservice guards subjected the miners to forced labour such as washing uniforms, greasing-up boots, fetching water and cutting grass. Then they were released. It took the men two days to walk home.

Case 28

Victim: Manuel Muassanza, aged 25, born in Luremo

Date: 15 March 2006

Place: Camissombo, Bula

Description of events:

Three Teleservice employees and a dog took six *garimpeiros*, who were panning for diamonds, by surprise. After being beaten, the six miners were forced to carry out chores for the security guards.

According to Manuel Muassanza, “They let the dog loose and it bit me on the left leg. The pain intensified when they hit me eight times, five on the buttocks and three on the hands. The other [miners] were also hit. The guards only released us at dawn.”

Case: 29

Victim: Gingongo Ndua, aged 23, born in Luremo

Data: 3 March 2006

Local: Bula

Description of Events:

Three Teleservice guards, with a dog, rounded up a group of four *garimpeiros* at work.

According to Mr. Ndua, the guards let the dog loose and encouraged it to chase after the *garimpeiros* who were trying to escape.

“The dog sunk its teeth into my left leg and didn’t let go until the guards ordered it to. Then they told me to go,” said Mr. Ndua.

Case 30

Victim: Jack Cuiulula, aged 32, born in Kinshasa, DRC

Date: 26 February 2006

Place: Bula

Description of events:

Four *garimpeiros*, who were digging for diamonds down a deep hole, were attacked by a dog belonging to Teleservice employees at about 1300 hours.

The dog bit Jack Cuiulula in the buttocks. Then, the four miners were marched, by the guards, to a Teleservice observation post.

Mr Cuiulula said: “They undressed us there. I was hit 15 times with the handle of a shovel on the buttocks.”

Mr Cuiulula speaks in a whisper. At the time of interview, on 31 March 2006, he was suffering from sepsis in the lower stomach and pelvic area.

Omar Bongo, aged 23, who also formed part of the group, introduced himself as a relative of Jack Cuiulula. Mr Bongo said he was also beaten, five times on the buttocks. “After that,” he said, “we had to fetch water and do other domestic chores for the guards. They freed us at six o'clock in the evening.”

Given the serious state of Mr Cuiulula, he was taken to Cafunfo Hospital by the author, the largest health unit in Cuango municipal district. Although recently refurbished to much pomp and circumstance by the Lunda-Norte Provincial Government, the hospital staff were not able to provide patients with water.

The author also provided for some medicines, such as antibiotics and others for Mr Cuiulula’s treatment, as well as a bucket and water for his care. However, due to a lack of funds, this assistance was short-lived. Eventually he was left alone in a dirty room without any further medical assistance and without washing facilities.

On 1 April 2006, the author visited the Cafunfo Police Station, on 1 April 2006, to report Mr Cuiulula’s case. A police investigation team immediately began work, taking statements from the victim as well as photographing him. Ten days later, on 11 April, the author was called, by Investigator Luís, to also give a statement.

Case 31

Victim: Eritxe Kadongo, aged 35, DRC

Date: 15 February 2006

Place: Kamabo, Cafunfo

Description of events:

Eritxe Kadongo explained: "I was picked up at about 1100 hours. The Teleservice guards hit me twice on the head with a shovel handle. Then I fainted. They thought that I was dead and fled. My friends threw water on me. I recovered my senses and they took me to the district."

Case 32

Victim: Baptista, aged 27, born in Cuilo, Lunda-Norte

Date: 6 February 2006

Place: Pone Area, Cafunfo

Description of events:

Mr Baptista explained: "I was detained on the public road on my way to the mine by Teleservice guards from Point Zero check-point." Mr Baptista complained, as a result, he was beaten with a shovel handle and then, one of the guards decided to stab him with a knife in the palm of his right hand. After that, he was released.

Case 33

Victim: João Mukassa, aged 30, born in Caungula

Date: 29 January 2006

Place: Pone, Cafunfo

Description of events:

João Mukassa said he regrets not having lunch the day he was ambushed on the public road on a return journey from the mine. He said if he'd eaten, he might have avoided the Teleservice patrol assigned from the Point Zero check-point.

He said: "They forced me to get out of my clothes. They beat me with the handle of a shovel. Then they walked with me like this – almost naked - on the public road to their post, where I remained until 1500 hours without eating anything."

Case 34

Victim: Kims Kimbango, aged 25, born in Bandundu

Date: January 2006

Place: Bula, Cafunfo

Description of events:

In the afternoon, a patrol of three Teleservice guards questioned a group of *garimpeiros* who were panning in the Bula area, Cuango River.

Kims Kimbango said his two companions managed to escape, even though they were being shot at. Mr Kimbango, meanwhile, was attacked by the dog, which leaped on him from behind.

He said: “The dog clawed my back. I fell but he continued and bit me in the leg. The security guards took me to their camp where I had to fetch 18 five-gallon drums of water. At four o’clock [in the afternoon] they released me.”

7.3.3 The Response from the General Manager of Teleservice

The general manager of Teleservice, Nelson Ramalho, guarantees the strict fulfilment of the law by his company.

After hearing a review of the brutal acts practiced by Teleservice staff, including some supporting photographic material, Mr Ramalho declared: “It may be that there are excesses. But we don’t have to use unfair treatment. The [diamond]companies themselves are the ones that determine the access areas and patrolling.”

Mr Ramalho explains one of the biggest problems his company has been facing in the fight against illegal mining. “Before,” he said, “we just stopped the *garimpeiros* and we handed them to the national police, who freed them soon afterwards. Therefore, we had to opt to counsel them [the *garimpeiros*].”

On the alleged use of dogs in attacking and abusing people, Mr Ramalho said: “We don’t have dogs. We didn’t use dogs. It must be an exceptional case.”

He also said that most of the miners are foreign and therefore, “There can be excesses, because some [of the foreign miners] are stubborn.”

Mr Ramalho denies that there has been any order from Luanda to the three security companies operating in the area, to systematically use torture. In response to the allegations of ritually undressing the miners and beating them, especially on the buttocks, he said, “It is not company policy.”

On the question of the control of Point Zero, the check-point established by Teleservice close to the bridge in the Pone area of Cafunfo, Mr Ramalho insists that the bridge belongs to the mining project. “They are project policies,” he said, “we just execute them. The project regulates the circulation of vehicles to three times a week.”

He continues: “Our image is not one of violence. If the people could identify the perpetrators it would be good. The population has to collaborate.”

“We have a mission: to prevent illicit mining and to maintain security in the concession areas”, affirms Dr. João Pedro, lawyer for the company and member of the Human Rights Commission of the Angolan Bar Association.

“These are sensitive questions. Sometimes personal fights occur. Our procedure is the apprehension of mining materials. We take a miner to the national police who will soon release him. Thereafter, [the miner] returns to work.

“We have ceased giving the mining material to the national police because they sell it later. We also have men who are under a lot of pressure. I don't believe that there are those cases.”

Dr Pedro is also a human rights trainer for the Human Rights Office of the United Nations, in Luanda.

In turn, Mr Ramalho insists that his company has been holding a series of lectures to improve staff behaviour. “We are more advanced in Nzagi and Lucapa,” he said.

“This is a new project [the lectures]. We will become more and more engaged because illicit mining is taking on other forms. We have to advise our clients on the best practices to work with the phenomenon.”, explained Mr Ramalho.

8 Conclusions

8.1 The Strategy and the Resignation of the Government

- To acknowledge the effort of the national police in the improvement of its relationship with the population of the Cuango basin, through respecting human rights and the citizenship of the community.
- There is an obvious overlap between the establishment of relatively good behaviour of the representatives of public order and the escalation of human rights abuses by private institutions.
- The government, is responsible for transferring the fight against *garimpo* from the national police and the army to private security firms without having established procedures for the control and legal restriction of these actions. In practical terms, the Government has privatised violence on behalf of the private security firms.
- There is an absence of a state policy in the social-economic administration of Cuango and the total abandonment to violence, misery and chance of the local population.
- The government is also responsible for the obscure way in which concessions are handed out, the companies' social responsibilities are set and facilities are granted to generals.

Endiama, so concerned with its international image, has, like the Government itself, shown itself to be hostage to the private and foreign economic interests. It does not articulate a minimum of authority, in its actions, which can revert into benefit for the local populations.

8.2 *Carte Blanche* to Demonstrate Power and to Humiliate

- The diamond companies and the private security firms hold the moral and material responsibility for their acts of violence and abuses of human rights perpetrated by their staff. Employees are submitted to rigorous tests when they join and later, receive training.
- The perpetuation of the *modus operandi* (flogging, humiliation, torture, sexual services, sadistic rituals, assassinations as well as symbolic signs of punishment such as cutting off a trouser's leg) shows an extreme need to demonstrate power. This happens in a region where the regime is experiencing intense political hostility from the local population.
- Other than placing blame on the individual guards for specific cases, the concerted actions of Alfa-5, K&P and Teleservice, shows that they are acting in accordance with very well-defined strategies.

The Cuango situation requires, on the part of the government, the setting up of an independent commission of inquiry to investigate the cases.

It is fundamental that the government, right from the top, shows goodwill towards the people of Cuango and respects them as citizens as they continue to live in a climate of conflict, while peace reigns in other corners of Angola.

The government must go beyond simply using words to apply the law and allow justice, because it normally fails to fulfil its promises. Instead, the government must publicly ask to be pardoned by the people of Cuango for turning a blind eye on its duties to protect them. This would be the proof of good faith. Only like this will it be possible to demand that members of the government take political responsibility for the gravity of the situation.

It is time for the government to elaborate and implement an emergency socio-economic plan for the Lundas. Members of the local public should be consulted and, from the outset, there should be an end to the neglect and slow death that the local population have been subject to.

As part of this strategy, it is the duty of the government and Endiama, in public consultation with their partners and the local population, to define a strategy for the *garimpo* disputes. The benefits should be felt by all parties. This would show that a climate of socio-economic stability had been installed in the region.

From these premises, it is imperative that the government and Endiama create beneficial outcomes that the local populations can enjoy – instead of repeatedly

announcing things that are merely for show without counting the years of broken promises.

The state must hold responsible, in both civil and criminal cases, the moral and material authors of the wave of inhumanity which has swept across the region of Cuango. This would recognise and compensate for the moral and material damage inflicted on the local populations.

Finally, the National Assembly must hold a debate about the Diamonds Law because of the perverse nature and use of the law against the population. The parliamentarians must guarantee that the law becomes an instrument of protection, not merely of diamonds, but of all the people who live in the Lundas.

The law must be appropriate for true peace, democracy and national unity. In addition to the Lundas, provinces like Bié, Malanje, Kuando-Kubango, Uíge and others, also have diamonds in their subsoil and none of them have been included in this law.

9 Annexes

9.1 The Tale of a Brave Woman⁶⁶

Luanda – On the afternoon of 1 July 2005, I received an urgent satellite telephone call from the north-eastern town of Cafunfo, in the diamond-rich Cuango Valley. The caller said that the police had gone on a shooting spree against *garimpeiros*. The caller said that two diggers had already been killed.

The caller called me again after midnight in despair. The answer-phone was on, so the caller left a message. The caller said that a member of his own family, a woman, had been hit during the police raid.

Later that day, now 2 July, the caller telephoned again to request immediate assistance to evacuate Manasseja Lituiaia, aged 34, to the Angolan capital Luanda. The woman had lost her child, which had been strapped to her back, when a bullet was fired at the child's head. The bullet passed through the child's head and into Ms Lituiaia's own back. Ms Lituiaia was in urgent need of medical assistance.

I had no means to provide specific help. All I could say was that I would see what I could do. On 6 July, as I was lay the table for breakfast, Ms Lituiaia arrived at my doorstep. She moved very slowly, she was bent forward, and she was wearing a wrap around her head. Her face was swollen. She looked at me

⁶⁶ Original Portuguese version published , by the author, in Angola in A Capital, nº163, de 23 to 30 July 2005, page 10.

intensely. Wrapped around her waist, she carried all her travel possessions in a bundle.

Before she sat down, Ms Lituiaia said: “Before you take me to the hospital or whatever happens, I want to speak to the radio first so people may know how Vadinho [a police officer] shot me in the back and killed my son Amorzinho [Little Love].”

I felt rather strange and helpless inviting a wounded person, who had not received proper medical care in five days, to have breakfast. As a matter of fact, she had not eaten properly for days. All she had was a one-way ticket for the only plane, a shabby Russian cargo aircraft, which flies to Cafunfo.

Ms Lituiaia explained what had happened:

Several police officers, enough to fill three Land Rovers, arrived at the *garimpo* area of Lucola, Cafunfo, on 1 July 2005. They besieged the area and then went around confiscating the materials used for diamond mining, as well as taking diamonds and hard cash.

Next to the mining area, there was an informal market where Ms Lituiaia was selling meat and fish. A police officer, whom she identified as being Vadinho, an investigator at Cafunfo police command, got out of one of the cars with a pistol at the ready. He began questioning the market vendors.

Ms Lituiaia explained: “I told the police officer that we were on a survival scheme. If he wanted us out of the market, all he had to do was to tell us to leave and we would do so, but he could not threaten us, because we had done nothing wrong.”

But apparently the officer, Vadinho, said he would kill the vendors.

Ms Lituiaia said: “I took my son Amorinho from underneath my meat and fish stand, and I wrapped him to my back. I walked three steps out of the place when I heard the gunshot and felt my arm cold.” She turned to look at her son and saw a stream of blood running from Amorzinho’s head. Her son was dead.

The *garimpeiros*, Ms Lituiaia told me, reacted immediately by throwing stones and bottles at the police officers. “Thus, the ‘war’ started,” she continues. “The police opened fire against the youths and I saw two of them falling, dead. Then, the police retreated.”

According to an eyewitness, in an act of solidarity, the *garimpeiros* immediately regrouped to provide a burial for the two dead men, who were not from the area.

A Procession

Early in the evening, a man driving through the area, took Ms Lituaiia and the body of her son close to the Cafunfo police command.

“I took my son to the police station and told them they were responsible for his fate and it was up to them to dispose of his body”, she explained.

In response, the police took her and her dead son to the hospital. According to Ms Lituaiia’s account, the hospital staff refused to give her any treatment or to take care of her dead child’s body. Instead, they forced her to leave the hospital early the following morning.

Immediately she walked back to the police station, with her son’s body in her arms. But the police didn’t want to address the matter. So Ms Lituaiia laid down the tiny body of her son on the police station veranda, and turned to walk away. The local police commander, Caetano, then ordered his men to prepare the body, and buy a casket for burial.

The child was buried without a single member of his close or extended family in attendance – only police officers. He lay in a cemetery in Bairro Gika against the family’s will. The family had wanted the burial to take place in their neighbourhood cemetery of Bala-Bala. According to Ms Lituaiia, “The police commander said that they could not have the burial in Bala-Bala because it is ‘a place full of bandits’. What he meant is that Bala-Bala is the Tchokwé predominant area while Gika is Bângala.”

The local police command gave the family a total of US\$500 for the expenses – such as food and beverages – for a wake.

A police officer, Machado, who at the time of the raid was also harvesting diamonds, was locked up in jail, in case it was necessary to produce a suspect. Days later, the author received the information that he had escaped jail.

By 1030 hours, the author called Superintendent Carmo Neto, the spokesperson of the general command of the Police (CMGPN), about the case. He promised to see the author in two hours, at CMGPN headquarters in Luanda.

The author explained to the victim that there was no other way other than reporting the case to the police. Ms Lituaiia stressed that the police killed her son and that she would rather go on the radio to tell the story of Amorzinho.

In the Headquarters

At CMGPN, Superintendent Carmo Neto received copies of the briefing notes for the case. In the following two hours, Ms Lituaiia was on top of the police agenda. A meeting of the senior members of the police was happening at that time, so

they all came to know about Ms Lituaiia's case; they even saw her, sitting huddled up, next to the VIP elevator.

Finally, one of the top police commanders, Commissar Octávio Van-Dúnem came personally. He gave his assurances that Ms Lituaiia would have the best care possible and that her case would be handled accordingly. Immediately, a duty officer typed a formal report of the crime and annexed the briefing.

By the time Ms Lituaiia entered the military hospital, the medical staff were already waiting for her. An x-ray demonstrated that the bullet had hit her and then dropped to the ground. It was probably, according to the doctor, due to a loss of impact after piercing the child's head. The doctor said Ms Lituaiia did not need to stay in hospital.

Another top police officer who heads the police medical services, Dr. Dias, went to the military hospital to follow up the matter personally. Before Ms Lituaiia was released, Dr Dias ordered her to receive a tetanus shot, to prevent any infection. Dr Dias organised some accommodation for Ms Lituaiia, at a police guest house. He also reassured her that the top of the police was on top of her case.

The grieving mother travelled back home, escorted by a police delegation, which would now have to conduct an enquiry. Ms Lituaiia is still waiting for justice. She has received no compensation for the loss of her son, Amorzinho.

Private Justice

João Baptista, aged 30, a *garimpeiro*, was tied up, thrown into the grass and set on fire by guards from Alfa-5, on 23 June 2005, in Cajivunda, Xá-Muteba, Lunda-Norte. I managed to get hold of some pictures of his scarred body. He is still and one day, he might be able to also tell his story in person.

Alfa-5 could not respond to the matter because, according to a company secretary, the directorship of the company was out of the country.

But like this story, there are plenty more tales of human beings, with faces and names, who have either been killed, tortured, maimed or dispossessed in the diamond-rich region of the Lundas.

Who cares about human rights when money, diamonds and politicking silence people's consciences, both in Angola and abroad?

Informal diamond-mining is illegal. However, the authorities, in fighting against it, must not ignore that they are dealing with human beings whose lives and dignity must be preserved.

The case of Manasseja Lituaiia is a landmark case because it has triggered the compassion of the top brass of the police and has motivated them to follow up the case directly.

Such compassion brought together, for the first time, the police and a human rights activist who is usually labelled an 'anti-patriot'. Mutual understanding and gratitude were shown for the way the issue was handled on both sides.

"After all, it is the people who we all must serve," said the police spokesperson, Superintendent Carmo Neto. "This is our duty."

9.2 A Mockery of Justice⁶⁷

The recent actions of the judge of Lunda-Norte provincial court, Neto Augusto, are indicative of the state of justice in Angola. On 16 April 2004 Judge Augusto went to Cafunfo to investigate, collect new statements and testimonies so as finally to pass sentence on the 17 people detained in the "generator case" (case no 1341/D) which had already overrun its judgement date, 28 August 2004, by eight months.

In Cafunfo, in the Cuango municipal district, the municipal section of the National Directorate of Criminal Investigation (DNIC) issued summons to 25 potential state witnesses "on the orders of the most worthy judge" – notwithstanding that DNIC is an institution that falls under the Interior Ministry, not the judiciary.

At about 1400 hours on the day of his arrival in Cafunfo, Judge Neto Augusto had a meeting at Gika School with the Cuango municipal administrator, Paulo Passos Gonga, the second secretary of the ruling MPLA party, Alexandre Abel, and their respective staff. After this first meeting, a second one took place, but only MPLA people attended. This second meeting was at the Deolinda Rodrigues School.

At around 1700 hours, the judge, escorted by three members of the Rapid Intervention Police and one ordinary policeman, went to the home of Salvador Fragoso, who said: "I don't know who showed them where my house was, nor what they wanted with me."

Mr Fragoso received a summons in which he was identified only by his nickname, 'Binocas', and as an activist of the Social Renovation Party (PRS) activist, despite denying this. Other people, such as Daniel Tiago, also received a summons in their capacity as MPLA members.

⁶⁷ Original Portuguese version published, by the author, in Angola in *Semanário Angolense*, n°110, 30 April to 7 May 2005.

The judge asked Mr Fragoso to accompany him to the building which housed five generators. The judge wanted to try and establish the facts behind the popular protest, on 22 February 2004, against the removal of the generators. The taking away of the equipment had been ordered by Governor Gomes Maiato. The police action aimed at stopping that particular protest resulted in 13 deaths, several injuries, and over 170 detentions including 17 court cases.

The judge and Fragoso, on arriving at the generator building, found the doors locked. While standing outside, Judge Neto Augusto asked Mr Fragoso to recount what happened on the day of the demonstration. Mr Fragoso said that the first victim had been Domingos Sebastião, who was shot in the abdomen by the police. The man's family, in Benguela, only heard about his death at the beginning of 2005. On 14 February 2005, his mother, Cesaltina Dembo, went to Cafunfo to confirm her son's death.

The judge continued on his tour of the town.

"I explained to the judge that at about 1500 hours, near the water tank, the national police had stopped people and arrested those who were speaking Tchokwé," Mr Fragoso explained.

On 18 April at 1600 hours, the 25 people who had been summoned, plus a few who were merely curious, assembled in the Cafunfo Police meeting room, on the orders of the judge.

Caxita Fernando, present out of pure curiosity, described a session of "contradictory instructions" during which the judge said they would have to travel to Dundo and tell the court what had happened. The judge made no mention of how they were to travel, but said that if they did not go there, things would be "more complicated" for the people being detained there.

One of the detainees, Luciano Feliciano Muassumomo, had his leg amputated on 4 February 2005, following an incident in which one of the guards at the Conduege prison in Dundo grabbed his leg and shot him three times at point-blank range.

Moreover, 11 of the 17 prisoners, accused of burning the national flag and attacking the police station, had in fact already been in detention at the time of the alleged incidents.

The 14 selected defence witnesses were transported by truck to Dundo, on 20 April 2005. They were held in a single room and then taken to the home of a court official believed to be close to the judge. One human rights lawyer confirmed that the judge's trip to investigate the case was "absolutely illegal" and against the normal legal processes. The judge's orders to DNIC to issue notifications in his name were also illegal, the same lawyer said. The lawyer

concluded that the witnesses should have been released much sooner, due to a lack of evidence against them, and also because of the miscarriages of justice. Senior officials in the judicial system would not comment on the matter. The judge failed to notify the legal counsel of the accused about a re-trial.

On 2 May 2005, the captives were granted a provisional and verbal release order, after seven court sessions. They were told they would have to report to the court every Friday until a sentence had been passed. However, owing to a lack of alternative accommodation in the town, the defenders were housed in the cells of the Provincial Department for Criminal Investigations (DPIC), a branch of the national police.

To avoid further public embarrassment, on 8 May 2005, Judge Neto Augusto, ordered the defenders to leave the cells and find their own accommodation and means of survival. Note, the town was unknown to them, according to one of the defenders, Josefo Adão. Therefore, eight of the defenders were living in a house without a roof, during the rainy season. They were also begging for food. Two others are in hospital. Two others have escaped. The rest have found shelter with local people.

Mr Adão has complained about the judge's refusal to issue, in writing, release orders despite promising to do so on 5 May 2005.

Mr Adão said: "We would rather go back to jail than be thrown into the streets to beg and wander around, because we have no families here, we cannot work and we might be re-arrested as petty criminals. This is an absurd provisional freedom."

9.3 Odebrecht and the Angolan Rulers: the samba of promiscuity⁶⁸

Name	Position	House
Alberto Correia Neto	Angolan Ambassador in Brazil	102
André Luís Brandão	Minister of Transports	1305
General Geraldo Sachipengo Nunda	Vice Chief-of-Staff of the FAA	1010
George Chikoti	Vice Minister of Foreign Affairs	625
Gilberto Buta Lutucuta	Minister of Agriculture	2530
Isabel Eduardo dos Santos	Daughter of the President of Angola	1404
Ismael A. G. Martins	Angolan Ambassador in the United States of America	104
João B. Kussumwa	Minister of Social Reinsertion	406
Justino José Fernandes	President's Adviser for Social Affairs	1400
Paulo Tchipilica	Justice Ombudsman	614
General Pedro de Morais	Commander of the Angolan Air Force (FANA)	1412

⁶⁸ www.gamek.com/sistemas/procura_se (last accessed on 12 July 2006)

Neto		
Pedro José Van-Dúnem	Minister for War Veterans	1113
General Pedro Sebastião	Governor of Zaire and Former Minister of Defence	911
Restaurante Dirigentes [The Powerholders Restaurant]		622
