



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Urgent Action Appeal AO-DDFE-250612

Angola: Demolitions and Forced Eviction in Lubango City, Huila Province

The Housing and Land Rights Network of Habitat International Coalition has learned from the Constructing Communities Association (Associação Construindo Comunidades (ACC), HIC-HLRN Association and other sources in Angola, of current and further forced evictions in the “Arco-Iris” (Rainbow) Zone of Lubango City, in Angola’s southwestern Huila Province. From 12 May up to 12 June 2012, authorities and their agents in Lubango have bulldozed an estimated figure of 250 homes of residents after a period of intense intimidation and threats of eviction since 7 March 2012. The actions have left over 250 families homeless or subject to forced relocation.

In the process, it is estimated that authorities demolished more than 8,000 houses already. The announced objective is to demolish more houses in the Arco-Iris area, but also in other areas where houses to be demolished have been already stamped with a number given by the local administration. This is likely to affect thousands of other families, without any guarantee that they be resettled or receives any form of reparation. The previous evictions have caused the death of seven people, including two children: one who fell off a truck that was transporting evicted people and one child whom government agents ran over with their cars while escaping the stones thrown by people living in the nearby Canguinda area. One adult fainted at seeing his house being demolished, and later passed away at hospital. Among the four other persons who died were also children who lived in one of the demolished houses.

Brief Description

On the morning of 12 June, at 04:00, a detachment of more than 20 armed police and a few plainclothes officers stationed themselves in the Arco-Iris community. Following them were bulldozers that began to demolish the houses at 05:00. In total, eight houses were demolished, all under armed cover. The previous day, authorities demolished three houses. In all of these houses, most of the residents’ belongings were destroyed under the rubble. Also demolished was the Evangelical Pentecostal Church of God's Power in Angola.

After starting the demolition, when local activists began to question the police, the police fired three warning shots in the air, threatening the residents with live fire.

South Asia Office:

G-18/1 Nizamuddin East
New Delhi 110 013, INDIA
Tel:/FAX: +91 (0)11 2435-8492
E-mail: info@hic-sarp.org

Coordination Office:

12 Tiba Street, 2nd Floor
Muhandisin • Cairo, EGYPT
Tel/ FAX: +20 (0)2 3748-6379
E-mail: hln@hln.org;
hic-mena@hic-mena.org

UN Liaison Office:

8, rue Gustave Moynier
1202 Geneva, SWITZERLAND
Tel:/FAX: +41 (0)22 738-8167
E-mail: hic-hrc@iprolink.ch

As part of the effort to induce people to vacate their homes, authorities have promised households that they would receive 3,000 bricks, if they agreed to take their tin sheeting off, to give the impression they were leaving voluntarily, and build somewhere else. However, those families who accept that arrangement also must accept to be homeless until they manage to build their own shelter. Those who refuse this eviction are threatened with force and forfeit the chance to receive even this crude compensation.

The Lubango Municipality (Administração Municipal do Lubango) is carrying out the forced evictions with help of police and Hyundai bulldozers. About 500 families are affected by the current wave of demolitions, totaling to 2,500–3,000 persons. Half of them already lost their home.

The Arco-Iris evictees are reportedly being transported to a make-shift relocation site in the town of Tchituno, nine kilometers away. ACC has reported that the site lacks adequate housing, water, roads, electricity, schools, health facilities, public transport, physical security, or access to recreation. Robberies and other violent crimes are common in the absence of police or security personnel. In fact, reports indicate that the Lubango authorities literally dumped the evicted people in a desolate plot covered with thorny bushes, snakes, and without the support of promised construction material.

These forced evictions have harmed especially residents with special needs and conditions such as the elderly, sick persons and outpatients. At the Tchituno relocation site, ACC reported such cases as an evicted 60-years-old women suffering from thrombosis, who is now prevented from continuing her treatment in the central hospital.

Although journalists are not allowed to enter the area, the independent newspaper *Novo Jornal* reported that, CFM railway officials, in November 2009, said all displaced would receive new houses. The affected families later found out that they are expected to build their homes themselves on plots to be bought from provincial government for about US\$250 each. Other reports indicate that parts of the assigned plots are farming lands belonging to inhabitants of Tchavola, and the affected families' occupation of those lands has sparked tensions and conflicts.

Background

Several waves of demolitions in Angola precede these recent developments. Every time, local and national civil society organizations have reacted in protest. In earlier instances, even the National Assembly (parliament) and the Catholic Church had reacted. For example, in March 2010, more than 3,000 families were forcibly evicted and sent to an isolated area; in August 2010, 1,300 families in Matala and Quipungo municipalities were evicted after negotiations that resulted in somewhat better conditions (in Matala) with help of a local human rights group. In September–October 2010, Angolan authorities evicted and demolished more than 3000 houses along the Mukufi River and the evictees were sent to Tchimukwa area, nearby Tchavola, under the same conditions of those of Tchavola. The current evictions also resemble violations committed at Tchavola and Tchimukua, in March and September 2010.



Affected People/Population

The oldest inhabitants of the Arco-Iris zone built their house in the 1940s, still under Portuguese rule, and before the colonial administration planed the avenue that is now used as a reason to evict people of the area. More families arrived and built their home in the area along the years of civil war, which forced the internal displacement of 4.1 million people in Angola.¹

Official Reasons

Lubango City officials are claiming that the current evictions and demolitions are necessary, because the targeted homes were built on the site of a planned avenue. However, that pretext is not credible, since the government plan reportedly is to evict a wider area encompassing all of the homes in the Arco-Iris Zone in a second phase of destruction beyond the planned road. Since Angolan “laws restricting rights, freedoms and guarantees...may not have a retroactive effect,” even if some of the houses were standing in the way of an urban plan, many of them predate that design and, thus, are not in violation of any planning law.²

Actions Taken and Remedies Attempted

When this last wave of demolitions and evictions first were announced, ACC petitioned the court for a restraining order against the action; however, the tribunal has not ruled yet. Now, human rights organizations are considering also to initiate a criminal case against the provincial governor himself for forced evictions carried out since 2010, invoking the Angolan Constitution, national legislation and state obligations under international law, seeking indemnification of the victims. Community leaders have prepared a protest letter to be delivered to the Huila Governor Isaac dos Anjos.³

In addition, local civil society with the participation of Luanda and Benguela partners and friends, is preparing a Journey of Prayer and Fasting, to remember the memory of the dead, in the wake of the demolitions, and to demand a human treatment in the face of future urban projects, with a real compensation in accordance to international standards and domestic laws. This Journey is due to take place from 28 up to 30 of June, 2012, with a gathering on the last day, of the victims of demolitions and all citizens who want to support the cause.

On 15 June 2012, Marcolino Moco, a well-known lawyer and former secretary-general of the ruling MPLA, held a press conference to criticize the current authorities for the evictions in Lubango.⁴ Governor dos Anjos responded in a statement to Angola National Radio that some people were using this moment to make political noise in advance of the coming parliamentary elections (31 August 2012).

An inhabitant of the Arco-Iris area, João Benedito Cassula, upon returning home from Luanda on the evening of 13 June, found his house torn down, and went to the police to protest. The police arrested him on the spot. ACC representatives heard of the situation went to the police station to investigate. When they left briefly to fetch him some food and blankets, they returned to find that the police already had sent Mr. Cassula to the tribunal for summary judgment without a lawyer.

However, the trial was postponed until the next day and the judge accepted that the hearing be public and that the defendant have access to a lawyer actually. ACC was able to organize and bring the media and other evicted people to the trial. The court had given a public defender, but asked those present if someone wanted to defend the accused man in place of the court-provided lawyer (as such public defenders enjoy little public confidence). One evicted person rose up in a gesture of courage

and said he would defend the accused. In consultation with the judge, the arresting police were unconvincing in justifying their actions, and the judge released Mr. Cassinda.

Then Mr. Cassula asked the judge in which part of the world were people arrested in such a way by posing a rightful question on why his house has been demolished with no prior notice, destroying all his belongings, but being arrested on the spot, and later thrown into jail for two days without anything to eat or drink. The judge responded that he could not answer as a judge, but, as a citizen, he assured that this practice was against anyone's human rights.

Legal Aspects

Domestic Laws

The right to housing is enshrined in Article 85 of the new Angolan Constitution (February 2010).

Article 75 of the Constitution also states:

1. The state and other public corporate bodies shall be jointly and civilly liable for any actions and omissions committed by their organs, their respective officeholders, agents and staff in the exercise of their legislative, judicial and administrative duties or as a result of the said duties which result in the violation of rights, freedoms and guarantees or in losses to those entitled to them or third parties.
2. The individuals responsible for these acts or omissions shall be held liable for them, in criminal and disciplinary terms, under the terms of the law.

The 2004 law that regulates territorial and urban planning includes provisions on just compensation (Art. 20), as well as the rights to information and participation (Art. 21).

In 2009, the National Assembly also approved and adopted a resolution 37/09, which highlights these provisions with regard to demolitions, stating that “demolitions should be accompanied by the creation of basic and acceptable conditions to rehouse the affected citizens and by the creation of a dialogue and the involvement of these citizens in their housing solutions.”

Human Rights, International Law, and Treaty Violations

Angola ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), on 10 April 1992. States parties to ICESCR, under Article 11, recognize the obligation to respect, protect and fulfill the human right of everyone to “an adequate standard of living, including... adequate housing, and to the continuous improvement of living conditions.” These evictions violate that right, as well as affect the congruent rights of the inhabitants related to adequate housing, including the right to food, the right to water, the right to health, the right to education and the right to work and means of subsistence.

The State of Angola also has recognized the inhabitants' congruent civil and political rights to information and participation, as guaranteed under the International

Covenant on Civil and Political Rights. Angola ratified that treaty also on the same date as ICESCR in 1992.

These rights, as integral to the right to adequate housing, are also supported in General Comments No. 4 (1991) and No. 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees State parties' compliance with ICESCR. These international instruments recognize that "forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances."

Thus, international law imposes certain minimum norms and obligations that State parties to the Covenant must respect in cases of eviction and displacement, including the duty to inform affected people well in advance, to agree with them on a plan for rehousing with secure tenure, and provide adequate compensation, as well as reparations in the case of legally prohibited forced eviction.

Moreover, the UN Commission on Human Rights has recognized that forced evictions constitute a "gross violation of human rights, in particular, the right to adequate housing."⁵ Further, the UN General Assembly adopted by acclamation resolution A/RES/60/147, in 2006, recognizing gross human rights violation victims' rights and entitlements to reparations.

Successive Special Rapporteurs to the UN Human Rights Council on adequate housing have stressed that the forced evictions carried out with conduct such as that exhibited by Angolan officials and their agents would constitute a gross violation of human rights, in particular the right to adequate housing. They have noted that, in general, women, children and elderly persons are always the most affected by forced evictions, especially those already living in vulnerable situations.

To ensure these rights consistent with CESCR General Comment No. 7, it is understood that no one may be forcefully evicted without (1) effective and sufficient consultations with the affected parties, and (2) provision of appropriate and sufficient alternative measures. In other words, these minimum international norms guarantee for those who suffer eviction have access to appropriate measures, particularly alternative shelter, in order to secure an adequate living, and to assure sustaining economic activities where they reside.

Grounded in Angola's existing treaty obligations, the UN *Basic Principles and Guidelines on Development-based Evictions and Displacement* further stress that States should adopt, to the maximum of their available resources, appropriate strategies, policies and programs to ensure effective protection of individuals, groups and communities against forced eviction and its consequences. States and governments at all levels also should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions, and prosecute those who commit forced eviction as a gross violation of human rights.⁶

In relocating the community to Tchituno, the government has the further responsibility to ensure that the relocation site will fulfill the criteria for adequate housing according to international human rights law, including services for attaining water and access to employment options, schools, and health-care facilities.

Conclusion

The Lubango forced evictions and demolitions already carried out and threatened violate international law and Angola's international and national human rights obligations and commitments. The victims of these violations are entitled to reparations, and standards of justice require the prosecution of those responsible for violating the dispossessed and evicted persons' human rights.

Recommendations

HIC-HLRN would like to express its indignation at the demolitions that started on 7 March and are still ongoing in Lubango City. HIC-HLRN fully rejects the violent methods used, flouting respect for human dignity, leaving thousands of people abandoned on empty lands, and that already have caused the death of seven citizens in 2010.

HIC-HLRN reminds the Angolan authorities of the recommendation of the UN Human Rights Council's Universal Periodic Review of the State of Angola, on 12 February 2010, including to:

1. Adopt legal measures that give a strict definition of the circumstances and guarantees related to evictions, and to cease all forced evictions until such measures be established;
2. Invite the Special Rapporteur on the Right to Adequate Housing to visit Angola, so as to proffer an independent opinion and advice to the Angolan government on the development of legislation and policies in accordance with international standards;
3. Take all necessary measures to guarantee that eviction should be considered only as a last resort, and to adopt legislation and guidelines that specifically define the relevant circumstances for lawful evictions and the human rights safeguards in the event that an eviction is carried out;
4. Provide the necessary assistance to evicted persons and households, especially vulnerable groups' and persons with special needs, including women, children and elderly people.

HIC-HLRN recommends that the State of Angola adopt the following urgent measures:

- To stop the demolitions immediately;
- To find ways to resettle the evicted people and enter into meaningful consultations with them so as to implement a proper rehousing process;
- To provide reparation to the families of those who died and organize compensatory mechanisms for all those who already lost their homes.

Accordingly, HIC-HLRN requests that the National Assembly urgently form a commission to investigate and evaluate the circumstances and consequences of the eviction process being carried out in Lubango City, and ensure reparations for the victims.

HIC-HLRN also requests of the President to order an immediate end to such evictions, and respect all the conditions that Angola is obliged to observe during

such actions, in accordance with General Comment No. 7 of the UN Committee on Economic, Social and Cultural Rights, and establish a process leading to an investigation that will review the facts, prosecute and punish the people responsible for them.

HIC-HLRN calls the international community, in particular the relevant human rights mechanisms and treaty bodies of the United Nations and African Union, to intercede with the State of Angola and demand an end of all demolitions and forced evictions in the country.

Your Action!

Please write to the authorities in Angola, urging them with recommendations—found in the sample letter below—to respect human rights, as they are obliged under international law and their own Constitution. Please send a copy of your letter also to the following: violation@hlrn.org, and usindiswe@gmail.com.

A sample letter is provided below, or you may send your letter automatically from the HLRN website at: <http://www.hlrn.org/cases.php>

For more information please contact either of the following organizations in Angola:

Associação Construindo Comunidades
Lubango, Huila Province
Email: usindiswe@gmail.com

Omunga
Lobito, Benguela Province
E-mail: omunga.coordenador@gmail.com

[sample letter – following Portuguese version to be sent]

[Addresses of duty holders contactable via email or fax:]

José Eduardo dos Santos
President of the Republic of Angola
Civil office
Luanda, Republic of Angola
Fax: +244 222 370366
Contacts: <http://www.casacivilpr.ao/pt/contactos/>

Isaac Maria dos Anjos
Governor of Huila Province
Lubango, Huila, Angola
Fax: +244 261220490
Contact Center: <http://www.huila.gov.ao/CentroContactos.aspx>

Bornito de Sousa Baltazar Diogo
President of the Constitutional Commission

National Assembly
Rua do 1º Congresso do MPLA
C.P. nº 1204
Luanda, Republic of Angola
Fax: +244 339591
Email: info@comissaoconstitucional.ao
Contacts: <http://www.comissaoconstitucional.ao/contactos.php>

Amb. Apolinário Jorge Correia

Permanent Mission of the Republic of Angola to the United Nations Office and other international organizations in Geneva / Mission Permanente d'Angola après les Nations Unies et autres organisations internationales à Genève
45–47, rue de Lausanne
Geneva 1201, Switzerland
Fax: +41 (0)22 731 51 62 / +41 (0)22 732 30 72
Email: ambmission.angola@bluewin.ch

Silvano Leví

Administrator of Lubango Municipality
Municipality of Lubango
Bº Comercial
Lubango, Huíla, Angola
Tel: +244 261220041
Fax: +244 261 225
Email: amlubango@yahoo.com.br / amlubango@gmail.com

To:

Dear President dos Santos:
Your Excellency Governor Isaac dos Anjos:
Your Excellency President Bornito de Sousa Baltazar Diogo:
Your Excellency Amb. Apolinário Jorge Correia:
Dear Mr. Levi:

We should like to express our indignation at the demolitions that started on 7 March and are still ongoing in Lubango City. HIC-HLRN fully rejects the violent methods used, flouting respect for human dignity, reminding that the previous wave of demolitions of 2010 has caused the death of seven citizens and thousands living in inhuman conditions and higher levels of poverty than they were in before.

Angola has adopted in early 2010 a new Constitution that recognizes, in Article 85, the right to housing to all citizens. Article 75 of the Constitution also states:

1. The state and other public corporate bodies shall be jointly and civilly liable for any actions and omissions committed by their organs, their respective officeholders, agents and staff in the exercise of their legislative, judicial and administrative duties or as a result of the said duties which result in the violation of rights, freedoms and guarantees or in losses to those entitled to them or third parties.
2. The individuals responsible for these acts or omissions shall be held liable for them, in criminal and disciplinary terms, under the terms of the law.

The 2004 law that regulates territorial and urban planning includes provisions on just compensation (Art. 20), as well as the rights to information and participation (Art. 21). In 2009, the National Assembly also approved and adopted a resolution 37/09, which highlights these provisions with regard to demolitions, stating that “demolitions should be accompanied by the creation of basic and acceptable conditions to rehouse the affected citizens and by the creation of a dialogue and the involvement of these citizens in their housing solutions.”

Angola also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), on 10 April 1992. States parties to ICESCR, under Article 11, recognize the obligation to respect, protect and fulfill the human right of everyone to “an adequate standard of living, including... adequate housing, and to the continuous improvement of living conditions.” These evictions violate that right, as well as affect the congruent rights of the inhabitants related to adequate housing, including the right to food, the right to water, the right to health, the right to education and the right to work and means of subsistence.

The State of Angola has recognized as well the inhabitants’ congruent civil and political rights to information and participation, as guaranteed under the International Covenant on Civil and Political Rights. Angola ratified that treaty also on the same date as ICESCR in 1992. These rights, as integral to the right to adequate housing, are also supported in General Comments No. 4 (1991) and No. 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees State parties’ compliance with ICESCR. These international instruments recognize that “forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances.”

To ensure these rights consistent with CESCR General Comment No. 7, it is understood that no one may be forcefully evicted without (1) effective and sufficient consultations with the affected parties, and (2) provision of appropriate and sufficient alternative measures. In other words, these minimum international norms guarantee for those who suffer eviction have access to appropriate measures, particularly alternative shelter, in order to secure an adequate living, and to assure sustaining economic activities where they reside.

In relocating the community of Arco-Iris to Tchituno, the government has the further responsibility to ensure that the relocation site will fulfill the criteria for adequate housing according to international human rights law, including services for attaining water and access to employment options, schools, and health-care facilities.

We remind Your Excellency of the recommendation of the UN Human Rights Council’s Universal Periodic Review of the State of Angola, on 12 February 2010, including to:

1. Adopt legal measures that give a strict definition of the circumstances and guarantees related to evictions, and to cease all forced evictions until such measures be established;
2. Invite the Special Rapporteur on the Right to Adequate Housing to visit Angola, so as to proffer an independent opinion and advice to the Angolan

government on the development of legislation and policies in accordance with international standards;

3. Take all necessary measures to guarantee that eviction should be considered only as a last resort, and to adopt legislation and guidelines that specifically define the relevant circumstances for lawful evictions and the human rights safeguards in the event that an eviction is carried out;
4. Provide the necessary assistance to evicted persons and households, especially vulnerable groups' and persons with special needs, including women, children and elderly people.

Accordingly we request Your Excellency to use your good offices to:

- end such evictions immediately,
- not launch any other eviction before a proper commission is created, including representatives of civil society and the affected people, and
- respect and ensure respect of all the conditions that Angola is obliged to observe during such actions, in accordance with its own Constitution and legislation, General Comment No. 7 of the UN Committee on Economic, Social and Cultural Rights, and establish a process leading to an investigation that will review the facts, and prosecute and punish the people responsible for them.

[to the Constitutional Commission of the National Assembly – *in italics*]

We request that the National Assembly urgently form a commission to investigate and evaluate the circumstances and consequences of the eviction process being carried out in Lubango City, and ensure reparations for the victims.

We urge you and your offices to apply the same minimum norms of conduct in the public service, and we look forward to hearing of your efforts to apply them to the reparation of harm done to the persons rendered homeless by the Lubango evictions.

Sincerely,

[Your name]

[Your organization]

[Portuguese version – Carta em Português]

[Endereços das entidades responsáveis contactáveis por correio electrónico e/o por fax:]

José Eduardo dos Santos

Presidente da República de Angola / President of the Republic of Angola

Casa Civil

Luanda, República de Angola

Fax: +244 222 370366

Contactos / Contacts: <http://www.casacivilpr.ao/pt/contactos/>

Isaac Maria dos Anjos

Governador

Governo Provincial da Huila

Lubanga, Huíla, Angola

Fax number: +244 261220490

Centro de contactos / Contact Center: <http://www.huila.gov.ao/CentroContactos.aspx>

Bornito de Sousa Baltazar Diogo

O Presidente da Comissão Constitucional

Assembleia Nacional / National Assembly

Rua do 1º Congresso do MPLA

C.P. nº 1204

Luanda, República de Angola

Fax: +244 339591

Email: info@comissaoconstitucional.ao

Contactos: <http://www.comissaoconstitucional.ao/contactos.php>

Amb. Apolinário Jorge Correia

Missão Permanente da República de Angola para Escritório das Nações Unidas e outras organizações internacionais em Genebra / Mission Permanente d'Angola après les Nations Unies et autres organisations internationales à Genève
rue de Lausanne 45–47

Genève 1201, Suisse

Fax: +41 (0)22 731 51 62 / +41 (0)22 732 30 72

Correio electrónico: ambmission.angola@bluewin.ch

Silvano Leví

O Administrador Municipal do Lubango

Administração Municipal do Lubango

Bº Comercial

Lubango, Huíla, Angola

Tel: +244 261220041

Fax: +244 261 225

Correio electrónico: amlubango@yahoo.com.br / amlubango@gmail.com

Aos:

O Senhor Presidente dos Santos:

Sua Excelência Sr. Governador Isaac dos Anjos:

Sua Excelência Sr. Presidente de Sousa Baltazar Diogo:

Sua Excelência Amb. Apolinário Jorge Correia:

Estimado o Senhor Leví:

Nós queremos pela presente exprimir a sua indignação em relação às demolições que começaram no 7 de Março e terminaram, por enquanto, no dia 12 de Maio, na zona d Arco-Iris, na cidade do Lubango. HIC-HLRN rejeita os métodos violentos e contrários à dignidade humana que estão a ser usados, lembrando que a onda prévia de demolições em 2010 causou a morte de sete cidadãos e milhares de

peças a viver em condições desumanas e numa pobreza maior daquela em qual viviam previamente.

Angola adoptou em Fevereiro de 2010 uma nova Constituição que reconhece, no seu Artigo 85, o direito de todos os cidadãos à habitação e à qualidade de vida. O Artigo 75 da mesma afirma também que:

“1. O Estado e outras pessoas colectivas públicas são solidária e civilmente responsáveis por acções e omissões praticadas pelos seus órgãos, respectivos titulares, agentes e funcionários, no exercício das funções legislativa, jurisdicional e administrativa, ou por causa delas, de que resulte violação dos direitos, liberdades e garantias ou prejuízo para o titular destes ou para terceiros.

2. Os autores dessas acções ou omissões são criminal e disciplinarmente responsáveis, nos termos da lei.”

A lei de 2004 que regula o planeamento territorial e urbano em Angola contém provisões sobre compensações justas (Art. 20º), assim como os direitos à informação e participação (Art. 21º). Em 2009, a Assembleia Nacional aprovou e adoptou a Resolução 37/09, que reitera estas provisões em relação a demolições, afirmando que “as demolições, quer em Luanda, quer em qualquer outra cidade, vila ou aldeia do País, quando necessárias, devem ser conjugadas com a criação de condições mínimas e aceitáveis para o realojamento dos cidadãos afectados e com o diálogo e envolvimento dos mesmos nas soluções de alojamento.”

Angola ratificou também o Pacto Internacional sobre os Direitos Económicos, Sociais e Culturais (PIDESC) no 10 de Abril de 1992. Os Estados partes do PIDESC, pelo Artigo 11, reconhecem a sua obrigação em respeitar proteger e realizar o direito humano de todas as pessoas a “um nível de vida suficiente para si e para as suas famílias, incluindo alimentação, vestuário e alojamento suficientes, bem como a um melhoramento constante das suas condições de existência.” As expulsões actualmente praticadas violam este direito, e afectam os outros direitos dos moradores ligados à uma habitação adequada, incluindo o direito à alimentação, o direito à água, o direito à saúde, o direito à educação e o direito ao trabalho e a meios de subsistência.

O Estado de Angola reconheceu também os direitos civis e políticos à informação e à participação dos seus cidadãos, como são garantidos no Pacto Internacional dos Direitos Civis e Políticos. Angola ratificou este pacto em 1992. Este direitos, também indissociáveis do direito à uma habitação adequada, são promovidos nas Observações Gerais Nº 4 (1991) e Nº 7 (1997) do Comité das Nações Unidas sobre os Direitos Económicos, Sociais e Culturais (CDESC), que vela pelo cumprimento do Pacto pelos Estados partes. Estes instrumentos internacionais reconhecem que “expulsões forçadas são *prima facie* incompatíveis com os requerimentos do Pacto e podem ser apenas justificadas em circunstâncias excepcionais.”

Para assegurar os direitos acima referidos, de forma consistente com a Observação Geral Nº 7 do CDESC, entende-se que ninguém pode ser forçosamente expulso da sua casa sem (1) consultas efectivas e suficientes junto das partes afectadas, e (2) fornecimento de medidas alternativas apropriadas e suficientes. Em outras palavras,

estas normas internacionais mínimas garantem que aqueles que sofrerem de expulsão tenham acesso a medidas apropriadas, nomeadamente um alojamento alternativo, de forma a assegurar meios de vida e actividades económicas sustentáveis onde residem.

Ao realojar a comunidade do Arco-Iris no Tchituno, o Governo tem a responsabilidade de assegurar que o local de reassentamento responda a todos os critérios de habitação adequada, de acordo com a legislação nacional e o direito internacional, incluindo serviços de abastecimento de água e acesso a opções de emprego, educação e saúde.

Nós lembramos que entre várias recomendações feitas ao Estado de Angola a 12 de Fevereiro de 2010, aquando da revisão de Angola pelo Mecanismo de Revisão Periódica do Conselho de Direitos Humanos das Nações Unidas, e que esperamos que sejam aceites e respeitadas, salientamos:

1. Adoptar medidas legislativas definindo estritamente as circunstâncias e salvaguardas relacionadas com acções de despejo e parar com todos os despejos forçados, até que tais medidas sejam estabelecidas;
2. Fazer um convite ao Relator Especial para o direito à habitação condigna, de forma a obter uma opinião ou conselho independente referente ao desenvolvimento de legislação e políticas conforme os padrões internacionais;
3. Tomar as medidas necessárias para garantir que a acção de despejo seja a última saída e adoptar legislação e directrizes que definam, especificamente, as circunstâncias relevantes e as salvaguardas para o momento em que a acção de despejo for levada a cabo;
4. Providenciar a necessária assistência às pessoas despejadas, especialmente aos membros de grupos vulneráveis, incluindo mulheres, crianças e idosos.

Nesta conformidade, nós solicitamos ao Exmo. Sr. Governador para que sejam tomadas as seguintes medidas:

- Parar imediatamente com as demolições;
- Não lançar nenhum outro processo de desalojamento antes de uma comissão ser criada, incluindo representantes da sociedade civil e as pessoas afectadas; e
- Respeitar e assegurar o respeito de todas as condições às quais Angola é obrigada a responder durante este tipo de acções, de acordo com a sua própria Constituição e legislação, a Observação Geral Nº 7 do Comité das Nações Unidas sobre os Direitos Económicos, Sociais e Culturais, e estabelecer um processo de investigação que avalie os factos, intente acções judiciais e puna as pessoas responsáveis por estes actos.

[à Comissão Constitucional da Assembleia Nacional – em itálico]

Nós requeremos também da Assembleia Nacional a criação urgente de uma comissão que investigue e avalie a circunstâncias e consequências do processo de desalojamento que está a ocorrer na cidade do ubango, e assegure reparação às vítimas.

Solicitamos que a V. Exciae os seus serviços apliquem normas de conduta mínimas no serviço público, e esperamos ouvir rapidamente sobre os seus esforços para implementa-las à reparação do prejuízo causado às pessoas que ficaram ao relento por causa dos desalojamentos.

Atentamente,

[Nome e Organização]

¹ UN, Consolidated Inter-Agency Appeal (November 2001), P. 10, at: <http://reliefweb.int/appeals/2002/files/ang02.pdf>.

² Constitution of Angola, Article 57.

³ This is the same Isaac dos Anjos who was convicted as chairperson of the board of an Investment Fund set up by the Angolan president, after the Angolan state's Audit Department discovered that the Fund's management had no proper accounting procedures in place, and had diverted funds to private ends. See Marques de Morais, "Angola's MPs and business dealings," Pambazuka News (6 January 2010), at: <http://www.pambazuka.org/en/category/features/61246>.

⁴ "Novas demolições no Lubango, em Angola, são dramáticas, diz Marcolino Moco," *Deutsche Welle* (15 June 2012), at: <http://www.dw.de/dw/article/0,,16029232,00.html>.

⁵ UN Commission on Human Rights, resolution 1993/77.

⁶ As consistent with Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in its resolution A/RES/60/147, and the Principles on housing and property restitution for refugees and displaced persons (see E/CN.4/Sub.2/2005/17 and Add.1).