

**Blood Diamonds:
Corruption and
Torture in Angola**

by

Rafael Marques de Morais

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FOREWORD

When Rafael Marques de Morais first published *Blood Diamonds: Torture and Corruption in Angola* in Portugal in 2011, he knew the book was bound to make waves—but he could have little idea how drastically it would shape the next several years of his own life. Detailing allegations of more than 500 cases of torture and 100 killings carried out by Angolan soldiers and private mining company guards, the book provoked the anger of a number of Angolan generals and powerful business interests, who would retaliate by tying Marques de Morais up in court proceedings spanning two continents.

When it comes to his work, Marques de Morais is no stranger to controversy. In 2000, he was tried and convicted in secret on charges of abuse of the press resulting in an “injury” to the President of Angola, for which he was required to pay damages and had his passport confiscated. The following year, Marques de Morais was detained after visiting evicted people in a resettlement camp outside of Luanda with a BBC reporter. Yet *Blood Diamonds* would mark the first time Marques de Morais faced persecution in a foreign jurisdiction.

Marques de Morais anticipated domestic backlash against the book. In fact, he opted to make the first move: shortly after publication, he filed a criminal complaint in Angola accusing nine generals and company directors of crimes against humanity in connection with diamond mining. In his complaint, Marques de Morais called on authorities to investigate the generals’ moral responsibility in the documented abuses. Instead the Angolan Attorney General set aside the claim, delaying the announcement so as to prevent Marques de Morais from seeking timely recourse. Meanwhile, the defendants retaliated, filing a criminal complaint against him and his publisher in Portugal for libel and defamation.

Upon learning of Marques de Morais’ plight, our organization, the International Senior Lawyers Project, acted swiftly by enlisting Portuguese lawyer Manuel Magalhães e Silva to represent him in the Portuguese proceedings. Happily, the case against Marques de Morais was quickly halted in Portugal, with the Public Prosecution Office citing a lack of evidence to support the charges. Notwithstanding, the generals and their partners

soon turned back to the Angolan justice system, where they brought 11 charges against him. If convicted in Angola, Marques de Morais faces a lengthy prison sentence and a potential fine of US \$1.2 million.

At the time of this writing, the charges against Marques de Morais in Angola remain pending. To date, a number of procedural irregularities have plagued the pre-trial phase. For instance, Marques de Morais was given only five days to make submissions on the merits of his case while access to the case file was withheld, thus rendering it impossible for him to present any meaningful arguments. And although several international and domestic groups have taken up his cause and urged UN special rapporteurs and the African Commission to take action on the author's behalf, the defamation proceedings continue to move forward.

It is hoped that the publication of *Blood Diamonds* in English will not only help to shed light on the terrible abuses suffered in Lunda Norte, but will also draw attention to the author's personal legal struggle. We thus stand with Marques de Morais, whose unparalleled courage in the face of deep-seated corruption and oppression should inspire human rights activists the world over.

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March 2015

AUTHOR'S NOTE

This report was born out of the need to bring together the results of the research on the Angolan diamond industry carried out between 2009 and 2011.

The fieldwork consisted of four visits to different diamond mining zones in the municipalities of Cuango (the principal diamond mining region in Angola) and Xá-Muteba. During these visits I interviewed hundreds of people and became well acquainted with the reality on the ground as well as the prevailing social and working conditions.

As the report will show, local communities in this region are subject to a regime of corruption, violence, arbitrariness and impunity. By any objective definition, diamonds mined in these areas are blood diamonds, and to trade with the Angolan diamond industry is indisputably to trade in blood diamonds. After years of ignoring the problem, the international community should acknowledge this fact and take action.

In spite of all the Angolan legislation and official discourse to the contrary, in practice, local communities in diamond-mining areas are tortured, murdered, and have absolutely no access to justice. Further, they have been systematically and intentionally deprived of developing any means of survival besides diamond digging. Their lands are expropriated, their crops are destroyed. The only usable road network in the diamond regions has even been privatized and local populations have seen their access to major transport arteries virtually denied.

In order to survive, communities are therefore entirely dependent on informal digging, and as such, are completely vulnerable to the abuse of power by the armed forces and private security companies, who act in complete collusion with diamond mining companies, local authorities and the Angolan government.

In publishing this report, it is not my intention to merely relate specific cases of human rights abuses, many of which can be found in chapter 6. My objective is to demonstrate that these cases are not a mere summary of individual “accidents”, or a

random series of unfortunate events in a context where everything else operates under the rule of law. These abuses are deliberate and systematic. Corruption and violence are pervasive in Cuango, and there are political and socio-economic structural reasons at their root, which I will attempt to explain in the report's Conclusions.

Finally, the publication of the report aims not only to expose the deplorable living and working conditions in Cuango, but also to influence the attitude and decisions of the Angolan government, the Kimberley Process, the diamond industry, consumer groups and the United Nations Human Rights Council. Finally and most importantly, I hope this report can help inspire Angolans, in Cuango and elsewhere, to exercise their citizenship and resist the abuses and crimes that plague the diamond areas.

INTRODUCTION

Methodology

This report covers research carried out over a period of one year and eight months, from June 2009 to March 2011, and focuses on the municipalities of Cuango, the principal diamond mining region in Angola, and Xá-Muteba, since diamond mining concessions extend to this town on Angola's border with the Democratic Republic of the Congo.

With an estimated population of 150,000 inhabitants, the Cuango region is located in the extreme south of the province of Lunda-Norte, and covers an area of 6,818.8 square kilometers (2,632.7534 square miles). Xá-Muteba sits on the eastern bank of the Cuango River.

The principal method used to prepare this report was to gather direct oral testimony from victims of violence related to the diamond mining industry, and in cases where a fatality occurred, from corroborated eye-witnesses and family members. The organization of diamond diggers into informal groups also made it possible for representatives of these groups to recount multiple incidences of violence against their colleagues and others. Traditional community leaders, agents of repression and concerned citizens have also made valuable contributions to the work through volunteering testimony of their own. The aim of the report is to give a voice to those who feel powerless to speak for themselves, and thereby expose the climate of violence and the sense of isolation experienced by the local communities.

On an ongoing and voluntary basis, a select group of local activists and members of various local groups has also monitored and recorded cases of human rights violations. This ongoing monitoring, though informal and lacking organizational structure, is part of a continuous effort to develop a sense of consciousness and solidarity within the community, in order to empower and affirm the rights of citizens and to rebalance the relationship between the individual and the State. Constant interaction with this informal

group over the past six years has allowed me to undertake more in-depth research and to cross-reference information with various sources.

From 2009 to 2011, I made four investigative research trips to Cuango. My research in Xá-Muteba was essentially limited to short trips to the other side of the river Cuango whenever possible. Taking return trips by road to the Cuango, which runs through Xá-Muteba, facilitated information gathering in the latter.

During the same period, local activists from the diamond areas made four visits to Luanda to collate information and to publicly expose the human rights situation in the region.

This research also benefited from international support. The willingness on the part of some national and international bodies to share important documents (which were used as primary sources of information) have made it possible for the report to have a much broader scope, especially concerning analysis of the causes and effects of the abuses.

Obstacles to the Investigation

Stolen documents

It is important to underline the difficulties and inherent danger involved in undertaking a project of this type. Most of the notes I took during my last trip to Cuango, at the end of February 2011, mysteriously disappeared when officials raided my checked-in suitcase as I was departing Angola.

The stolen documents included more than 70 records, most of which containing details on specific torture cases and some on murder cases. The records included the phone numbers of victims, family members and informants, as well as their names and several corroborative photographs illustrating the level of violence of the cases. In

addition, there were relevant documents on state institutions responsible for abuses, key correspondence, and miscellaneous personal papers.

As a result of the confiscation of these records, most of the evidence relating to cases involving the Luminas Mining Company¹ was lost. Luminas is a diamond-mining project located in the Cuango municipality with a concession area covering around 3,000 square kilometers (1,158.3065 square miles), based in the Luremo commune. K&P, the private security company retained by Luminas in this area, uses the same methods of torture as the Angolan Armed Forces (FAA, Forças Armadas Angolanas) and the private security company, Teleservice, all of which are at the heart of the cases exposed in this report. Due to the theft of the key documents, I have had to exclude the abuses involving Luminas from this report, consigning them to a later opportunity. The same decision was made in regards to Alfa-5, a private security company retained almost exclusively by Endiama², which is also a service provider to Sociedade de Desenvolvimento Mineiro (SDM)³, whose operations in the region have been temporarily suspended in the region.

This setback - partly due to negligence on my part, since I ought to have adopted better security measures to keep the information safe - leaves certain persons exposed to reprisals, as their contact information, including telephone numbers, has almost certainly been compromised. Moreover, it has had a chilling effect on the morale of those who have openly shared their personal experience of torture and who have witnessed atrocities. The author's previous reports were printed and widely distributed throughout Cuango, and in many cases, are the only record of the crimes perpetrated and the only evidential means available to support the victims' quest for justice.

On a positive note, the stolen documents offer government officials a first-hand opportunity to read a report compiled with transparency, accuracy and in good faith. The documents are sufficient to initiate prosecutions in a court of law, given the volume of

1 Luminas is a joint enterprise between Endiama, the Angolan national diamond company (38 percent), Lev Leviev (49 percent) and the Angolan company Twins Ltd (13 percent), owned by general António dos Santos França, 'N'dalu.'

2 Diário da República 1993:655-9.

3 SDM is a joint enterprise with equal shares held by Endiama and Odebrecht. It has a 3,000 square kilometer (1,158 square miles) concession in the area.

complainants and witnesses, should the relevant authorities be genuinely committed to the rule of law in Angola.

Murder and mutilation of women's bodies

The stolen research material focused particularly on cases of murder and subsequent mutilation of the bodies of women. Absent the details of those cases, the victims' terrible experiences cannot be included in this report. I would like, however, to make reference to them. Suspicion and conjecture within local communities and entities concerning these appalling acts center on two theories. The first theory is that diamond buyers believe that employing witchcraft rituals involving the extraction and sale of female organs will help guide their decisions and bring them great wealth in the diamond trade. The other theory revolves around the practice of committing acts of terror in order to foment panic within the community, forcing people to abandon their land, which is then co-opted into the SMC concession and coveted by Sodiam and Ascorp buyers who illegally finance organized groups of diggers. The two theories are not mutually exclusive since they both point to the complete absence of the rule of law and appalling disregard for the rights of these women.

From Washington D.C., where the final version of this report was drafted, it was not possible to reconstruct the data and the statements collected from the field regarding these cases. As a result, using the little information contained in notes that remained in my possession after the robbery, I can merely relay the basic facts of the cases.

The first case occurred on January 3, 2010. A peasant woman was found dead in her field near Pone. She had been burned and mutilated. Her genitals had been removed.

On May 28, 2010, Isabel Afonso Ngoiosso, 41 years old, was killed in Kaihuso, about 250 meters away from a Teleservice observation post. The murderers set her body on fire. According to members of her family, police officers registered her death as a rape and murder case and abruptly closed the investigation.

In only two weeks, three other women lost their lives in Cafunfo, in the Cuango municipality. Their bodies were mutilated as described below.

On July 1, 2010, Anita from Bairro 4 de Fevereiro was found dead. Her genitals, tongue and both index fingers had been removed.

The following week, on July 9, 2010, Maria da Conceição, 18 years old, from Luremo commune in the Cuango municipality and a resident of Bairro Gika, was found dead and mutilated. Her eyes and genitals had been removed.

On July 12, 2010, Napassa Suzana was found dead on the bank of the river Luo. The murderer had cut out the victim's tongue and her genitals. According to local rumors, Napassa's killer then tried to sell the body parts to a diamond buyer for US \$6,000. According to a statement by the brother of the alleged buyer, police officers arrested the suspect with the unfortunate victim's body parts in his possession, carried in a little bundle. One member of the local community told the story to Rádio Ecclesia, so that the crime would be put onto the public record. José Caele was later sentenced to 22 years in prison for murder by the Provincial Court of Lunda-Norte.

On October 15, 2010, Cataneza Muatichico, 58, a native of the municipality of Caungula, was murdered while tending her crops near Pone. Her genitals were also removed and her body set on fire.

Three additional cases occurred between March and April 2011, and were reported to me by phone. From Washington, I was able to confirm their authenticity from sources such as local activists, family members and representatives of religious organizations on the ground. Due to the level of cruelty of these murders and because they fit the pattern of the other cases, the identities of the victims are also revealed below.

Santinha Hutchica, also known as Maria Uzaca, 44, a native of the municipality of Caungula, was found dead in her bed on January 18, 2011. The jagged edge of a broken bottle was stuck in her throat. Her tongue and genitals had been removed.

On March 24, 2011, Ana Maria Txivota, 55, from the municipality of Lubalo, in Lunda-Norte province, was killed in her field while tending her crops near Pone. Her genitals had been removed.

Lotinha Utende Catoco, 61, a native of Luremo commune, was killed on April 12, 2011, while tending her crops near Pone. Her genitals and part of her tongue had been removed. A local farming couple, concealed nearby, witnessed the barbarous attack on their neighbor. A police source from Cafunfo, who wished to remain anonymous, confirmed by phone that suspects had been arrested, after having been identified by the farming couple. The suspects, however, denied having mutilated the body.

At the municipal level, the National Police only acknowledges the murder of Napassa Suzana as a case in which, to their knowledge, genitals were removed. However, the police acknowledge that superstitious practices are rife in the region. According to local superstitions, the macabre human sacrifice of women and the subsequent use of their organs in witchcraft rituals can help traders generate great wealth in diamond digging and trade.

On behalf of Napassa's family, Jacinto Txamua, one of Ms. Catoco's brothers, confirmed to me by phone, that his sister's body had indeed been mutilated. "We saw the mutilation. We can't hide the truth," Txamua stated. "The women who are getting killed in the fields are being mutilated. They're removing their genitals and the authorities know it, but they're trying to play down the issue," he added.

Dinis Muatxicanje, a friend of the family, corroborated Txamua's testimony: "I covered the dead woman's body and put it in the car. The commanding officer of the National Police in Cafunfo, Superintendent-chief Clemente, was there at the time," he recounted.

Joaquim Francisco, Napassa's husband reserved his criticism for the state of justice in the country and how "the police ignored the death of my wife." He explained how the murderers allowed his wife, a devout Christian, to say her final prayers before being hanged. The widower obtained this information from testimony given by the main suspects to the National Police.

Cases lacking sufficient evidence

This report exposes over 119 deaths and 500 victims of torture. But they amount to only a small sample of a vast number of cases of daily violence, the scale of which is difficult to convey in a single piece of research. For example, the report does not include the assassination in 2010 of 34 diggers, who were shot dead on the banks of the river Cuango. On February 7, 2010, the bodies of 22 of the diggers were found in the same place. Despite strong evidence pointing to the identity of the perpetrators of the massacre, no one admitted to knowing the victims, which is often the case in the informal digging areas.

The cases described in this report are therefore limited to those for which there is sufficient information to facilitate judicial investigations and the summoning of witnesses.

Quantitative limitations

The fact that this work was undertaken on a purely voluntary basis, with no institutional cover, resourcing or support, made it impossible to extend the research area to other mining communities in the Lunda-Norte and Lunda-Sul provinces, which together span a total area of 200 thousand square kilometers (77,220.432 square miles). Nor was it viable on a large scale to provide local activists with basic equipment, such as cameras, tape recorders and the means to collect and distribute information. This report should therefore be seen as a first step. The eventual goal is to carry out a thorough research project over the entire Lundas region at some future point.

Nonetheless, these very difficulties have in part been overcome by the development of extraordinary local networks of solidarity and voluntary efforts, which have awakened a sense of social responsibility among members of the affected communities and citizens who are genuinely concerned with the state of the human rights situation in the region.

Structure of the report

The report is divided into six chapters, followed by conclusions and recommendations.

Chapter I traces the history of violence and corruption associated with diamond exploration in the Lundas provinces from 1912 to the present day.

Recent legal reforms concerning diamond digging and trade, as well as the government's decisions and rhetoric are analyzed in Chapter II, and compared to the prevailing reality in the Cuango.

Chapter III summarizes the role of the Kimberley Process in monitoring the diamond trade, comparing its interest and influence in Zimbabwe and Angola, and analyzing its relevance to emerging human rights challenges in the diamond sector. The assessment includes the relevant diplomatic positions of western countries, the United Nations and African countries.

The tragedy that befell Linda Moisés da Rosa (whose two sons were murdered by FAA soldiers and operatives from the private security company Teleservice), is used as a case study of the legal contextualization of the region's human rights violations in Chapter IV. The chapter also examines the absence of essential boundaries between public duty and private interests among the ranking generals of the Angolan Armed Forces (FAA) in the region and the attendant corruption. The paramilitary role of Teleservice, notionally a private security firm but in practice a web of operatives spun by senior soldiers, is a particular focus. Chapter IV also devotes special attention to the composition of the Sociedade Mineira do Cuango (SMC), its role as originator and prosecutor of violence in Cuango, as well as its ties of complicity with officialdom which foster a culture of impunity. Finally, this chapter covers the role of the local communities, as they stand together to resist institutional violence.

Social exclusion and increasing poverty are described in Chapter V, which focuses on two specific case studies focusing on the institutional isolation of two local communities and the destruction of subsistence farming.

Chapter VI narrates specific cases of violations of human rights, differentiating abuses committed by the FAA from those perpetrated by Teleservice.

Some theoretical considerations are presented in the Conclusion, which includes a discussion on the models for reporting violations of human rights, the pathology of political and economic power, and structural violence. The report concludes with a final section covering Recommendations.

CHAPTER I – Background on Mining, Violence and Corruption

In 2010, Angola produced US \$955 million worth of diamonds, according to official data,⁴ thus ranking fourth among the world's major diamonds producers, by value.⁵ The gems, after oil, are Angola's second largest export commodity and revenue source for the State's General Budget. Industrial diamond production remains concentrated in the northeastern region of Lundas.

The history of diamond exploration in Angola, from 1912 to the present, has been marked by continuous acts of violence, registering only shifts in ideological motivations to justify the same recurring crimes. From colonialism, throughout the Marxist-Leninist period (1975-1990) to the current attempts at democratization and establishment of the market economy (1992 - present), the same essential model of abuse prevails. Official state entities and private commercial interests have always developed common strategies to maximize and share the production of diamonds and its profits, based on physical abuse, and social and economic exploitation of the local workforce and communities.

In 1917, five years after the discovery of gems in the Lundas region, the Portuguese colonial authorities, in a joint-venture with Belgian, South African and Anglo-American capital, founded the Companhia de Diamantes de Angola (Angolan Diamonds Company), Diamang. Over time, this company became the exclusive concession-holder of diamond mining rights in the country (maintaining it from 1920 to 1971). It also obtained, from the Portuguese state, the prerogative for the private administration of the Lundas region. This territory, with 180,637 square kilometers (69,744 square miles), is twice the size of Portugal. Thus, under the privileges granted by the colonial power, Diamang had the sole power to dispose of the local workforce at will, as well as to control any commercial activity in the region.

Malyn Newitt and Gervase Clarence-Smith captured the essence of Diamang's administration model by describing it as the *de facto* government of the Lundas and "a true state within the state." Lundas became a fiefdom of Diamang, whose administration

4 Reuters, February 9, 2011.

5 Kimberley Process, 2011. According to the statistical data of the Kimberley Process, in 2009 Angola produced 13,827 million carats of diamonds appraised at US \$ 1,179 billion. Russia, Canada and Botswana are the leading world producers.

incorporated basic social infrastructures, such as schools and health services, its own police, roads, dams, a radio station, plantations, rural extension services, churches and a museum.⁶

Diamang instituted an aggressive workforce recruitment model. The colonial agents, as part of the agreement, implemented administrative, military and legal measures to enforce the compulsory migration of forced labor, from several areas of Angola to the Lundas, and to subdue the local workforce. Diamang's forced labor regime, as well as the systematic use of physical abuse in the Lundas, was defined as the most severe of all of Portugal's colonial possessions.⁷

In order to establish effective control of the region, the company gradually implemented strategies to sabotage or eliminate any potential means of self-subsistence in local communities. Even subsistence agriculture was placed under the company's control. The imposition of severe restrictions on the movements of people and goods effectively isolated the region.

In the chaotic transition to independence, in 1975, the plundering of diamonds by both Portuguese and Angolans, assumed alarming proportions, to such an extent that Diamang's president calculated that the total amounts pilfered exceeded a year's worth of production.⁸ In 1974, the diamonds production had reached a peak of 2.4 million carats, but dropped to 0.75 million carats in 1975.⁹

As part of the measures implemented to control diamond production, the new post-independence Marxist-Leninist regime imposed a system of travel passes to and from the Lundas, which deeply restricted the mobility of the local communities, their interaction with the rest of the country and vice-versa, sharply increasing the isolation of the region. In order to qualify for a special travel permit, people from outside the region had their

6 Newitt, 1981:92; Clarence-Smith, 1985:5.

7 Cleveland, 2008 contributes, abundantly, to the study of the suffering caused to the Lundas communities and the migrating laboring force at the diamond mines at the time of Diamang. The study facilitates a larger understanding of some of today's practices and of the complicity among the government and the diamond industry in the area.

8 The MPLA pamphlet, edited in London in 1978, describes the measures taken by the government to stanch the pillage of diamonds and jumpstart the sector.

9 Ibid.

applications reviewed, on a case by case basis, by the state security apparatus,. These measures remained in place until the late 1980's.

On July 4, 1978, the first Angolan president, Agostinho Neto, signed off the partition of the Lundas region into two provinces: Lunda-Norte, which covered the alluvial diamond mining sites, and Lunda-Sul. The presidential decree also carved out the municipality of Xá-Muteba, rich in diamonds and part of the Malanje province, and integrated it into the Lunda-Norte territory.¹⁰ President Neto justified the political and administrative redistricting on the fact that Angola had become the majority shareholder of Diamang and, thus, “it had to guarantee more efficiency in the management of the country's resources, which belong to the Angolan people.”¹¹

Despite the ideological rhetoric claiming that it was always acting on behalf of the Angolan people, the government's subsequent political and administrative acts proved to be contrary to the welfare of the local populations. On November 18, 1978, the then Minister of Trade, Paulino Pinto João, issued a decree forbidding any kind of private trade in the Lunda-Norte province. The trade ministry explained the measure, effective from January 1, 1979, because it “had to take into account that [the government] granted a special status to the province of Lunda-Norte and that, the good development of the diamond industry is not compatible with the existence of private trade in that province.”¹²

Angola's Marxist-Leninist regime further aggravated the situation by effectively stifling the self-sufficiency of local communities' subsistence agriculture, and by not establishing alternative mechanisms to provide jobs, goods and basic services. Basic subsistence activities in the region became quasi-illegal, for people had to engage in a multiplicity of schemes and acts of corruption to circumvent the absurd legal initiatives and the repressiveness of the regime. Even the construction of a latrine required a permit from the state security apparatus. Altogether, measures in part designed to restrict the flow of smuggled diamonds merely stimulated illegality and worsened the social and economic decline of the local communities.

10 Presidency of the Republic, 1978:793-800.

11 Ibid.

12 Ministry of National Trade, 1978.

In 1988, the National People's Assembly,¹³ in which Angola's president José Eduardo dos Santos was also the speaker, passed a new law changing the Special Regime for the Lunda to 'Special Status' for the Provinces of Lunda-Norte and Lunda-Sul.¹⁴ Government officials justified the law as the need to "harmonize Endiama's activity with the development of the provinces of Lunda-Norte and Lunda-Sul."¹⁵

The law maintained the restrictions on access to and circulation in the region (Art. 2). The 1989 Regulation on Circulation of People and Goods in the Provinces of Lunda-Norte and Lunda-Sul also maintained the need to apply for a travel permit, issued by the state security and provincial governments, in order to access, circulate and stay in the region, for a maximum of 30 days (Art. 4, 1, b, c).¹⁶ "Under the conditions for the use of the road," an individual who had a travel permit was also required to obtain an entry and exit permit from the Mining Police (Art. 4, 2, b) to travel through a reserve area to get, for instance, to Cafunfo.

Although the new Special Status established the monopoly of the state on all commercial activities in the Lundas, it also opened the possibility of authorizing private trading initiatives to operate in the region (Art. 3, 1). But the same law also conferred discretionary powers on the provincial commissars (these days, governors) to "transfer" any private business agents out of the territory at will (Art. 3, 2).¹⁷

These restrictive measures, compounded by the modernization of Angola's extractive industry and the civil war, made the government less dependent on local manual labor, which was reduced to minimum levels, thus further worsening the social and economic conditions of the local populations.

In 1984, for the first time, the government faced a corruption scandal of alarming proportions. Over 500 people had been arrested for the illegal trafficking of diamonds.¹⁸

13 In 1992 it was renamed National Assembly.

14 National People's Assembly, 1988:393-4.

15 Ibid.

16 Defense and Security Council, 1989:2.

17 National People's Assembly, 1988:393-4.

18 Economist Intelligence Unit, 1985:17.

To show its determination to stamp out corruption and the plundering of precious stones, the government allowed the state television to broadcast the mass trial of 124 of those accused of smuggling diamonds. This apparent act of transparency backfired, as the accused took the microphones to expose the involvement of a web of high-ranking figures of the ruling MPLA in the illegal trade. President José Eduardo dos Santos later acknowledged that the trials of the infamous “Process 105” as a landmark moment in mobilizing the people, due to the sheer weight of “crimes committed against the national economy.”¹⁹

Throughout the Marxist-Leninist period, despite the moralizing tone of official discourse, high-ranking members of the regime and their cronies continued to use the privileges afforded to them by political power and arbitrary law to personally profit from the illegal diamond trade. A presidential decree (Decree 1/89, Art. 1, c) reassured members of the MPLA and the government, with their “VIP status,” that there were no restrictions on their freedom of movement, in and out of the diamond areas.

In its fight against the MPLA in the 1980’s, the former rebel movement UNITA had its own strategy for the diamond industry. It attacked the mines, kidnapped expatriates, and sabotaged the industry’s supply routes. As a result, it is estimated that, in 1986, the sale of diamonds yielded the state coffers the paltry sum of US \$15 million.

With the return to civil war in Angola, in October 1992, after an interlude of 16 months, UNITA occupied the Cuango Basin, for five years, using the artisanal panning of diamonds to fund its war chest.²⁰ Meanwhile, in the diamond areas controlled by the government, several generals of the Angolan Armed Forces (FAA) and other well-connected members of the regime engaged in a parallel diamond rush, through artisanal mining as well, but for personal rather than national enrichment.

In Cuango, the main target area of this report, the industrial exploration of diamonds started in the sixties. As the largest site for alluvial mining in Angola, Cuango has been a coveted prize by members of the country’s ruling class, artisanal miners,

19 Dos Santos, José Eduardo, 2004:301.

20 In May 1991, the government and UNITA signed the Bicesse Peace Agreements. However, after the September 1992 elections, the parties returned to war.

diamond dealers, and illegal immigrants alike. In the process, it also became a military and paramilitary zone, with the army and private security companies undertaking joint operations, supposedly to fight artisanal mining and illegal migration.

On October 26, 1999, Angola's Council of Ministers established the Sociedade de Comercialização de Diamantes de Angola (Angolan Diamond Trading Company), Sodiam, to "fill the need for a company to trade diamonds" and, moreover, to be a watchdog for the diamond trade.²¹ Sodiam is a subsidiary of Endiama, the State-owned and sole diamond concessionary in the country, which controls 99 percent of its shares.

Days before Sodiam came into formal existence, on October 11, 1999, the Angolan government formalized an agreement with the companies Group Goldberg, Leviev Wellox and Trans Africa Investment Services (TAIS) for the creation of a joint-venture diamond trading company, known as Angola Selling Corporation (Ascorp).²² The three companies represented, respectively, the interests of international diamond traders Sylvain Goldberg and Lev Leviev, as well as Isabel dos Santos, the eldest daughter of president José Eduardo dos Santos.

According to the Council of Ministers, the setting up of Ascorp represented an exceptional measure in a time of war, aimed at "imposing greater mechanisms of organization and control in the diamond industry." In the same document, the government indicated that the existence of Ascorp "enabled the setting up of one "Sole Channel" for the buying and selling of diamonds from both the formal and informal markets, with the objective of fighting blood diamonds, and position the country as a pioneer of the Kimberley Process."²³

In 2000, the United Nations General Assembly defined conflict diamonds as "diamonds that originate from areas controlled by forces or factions opposed to legitimate and internationally recognized governments, and are used to fund military action in opposition to those governments, or in contravention of the decisions of the

21 Council of Ministers, 1999:1278-81.

22 Council of Ministers, 2003:1439.

23 Ibid.

Security Council.”²⁴ Broadly, the United Nations also included in the category of conflict diamonds, commonly known as blood diamonds, stones whose origins conflict with the decisions of its Security Council.²⁵ By extensive interpretation, the grave human rights abuses committed by a government against its own people, either caused by mining exploration, political grievances or any other cause, qualify as contraventions against the decisions of the United Nations Security Council. This body has established as its priority, above all, the maintenance of international peace and the respect for human rights.

Therefore, Ascorp held the exclusive monopoly for the purchase of diamonds from artisanal miners (*garimpeiros*) and took over the responsibility to devise and implement the reform and control of Angola’s diamond trade. Ascorp also trumpeted itself, at the behest of the government, as the effective means of eliminating Angolan blood diamonds from the international market and increasing state revenues from the trade.

Also, the inclusion of Isabel dos Santos, the President’s daughter, as a shareholder of Ascorp,²⁶ provided the company with the political clout to act with impunity. At the same time, President Dos Santos’s approval of Ascorp’s creation, by itself, raises specific corruption concerns that could lead to his impeachment. According to Art. 127, 1, 2 of the Constitution, the President of the Republic, under no circumstances, should engage, while exercising his public duties, in any state deals for his private benefit or of his family. The joint-venture between the state and his daughter, in Ascorp, points to a clear conflict of interest and a case of nepotism.

Furthermore, the partnerships offered by Lev Leviev and Sylvain Goldberg, in Ascorp, did not follow any criteria of transparency and did not yield benefits to the Angolan state, as the government itself acknowledged, in 2003: “The intention which governed the creation and the inclusion of Ascorp in the diamond trade, with exclusive rights, was subverted by the way in which the foreign partners led and implemented the

24 United Nations: <http://www.un.org/peace/africa/Diamond.html>

25 Ibid.

26 On April 2, 1997, Isabel dos Santos and her mother, Tatiana Cergueevna Regan, created TAIS Limited, registered in Gibraltar. Isabel dos Santos owed 75 percent of the company’s shares, while her mother owed 25 percent. On October 5, 2004, Isabel dos Santos transferred all of her shares to her mother. TAIS changed its name to laxonh on May 9, 2001.

process of diamond trading.”²⁷

The government claimed that its foreign partners had also not honored the agreements to invest back into mining projects and to set up a diamond-polishing factory.²⁸

Three months before, the government terminated the contract for the provision of private security services and management to combat the illicit diamond mining and trade. The contract had been tied to the creation of Ascorp, and Group Goldberg and Lev Leviev had engaged their own companies, Stanwest Establishment and Wellox, to provide the security services needed. The government used the statistical data provided by Ascorp’s annual reports to show that the companies’ performance was unsatisfactory, and that the private security expertise brought in by Ascorp associates had not stemmed the illegal trade in gems.²⁹

On July 8, 2003, the Angolan government nullified the agreement it had with Group Goldberg, Leviev Wellox and TAIS that governed the creation of Ascorp, citing that the foreign investors had not honored their commitments. Yet, while the government transferred the exclusive monopoly to buy diamonds from the formal market to Sodiam, it let Ascorp, in an ill-defined legal situation, as the company remained active in trading with *garimpeiros*. Ascorp has continued to operate in the Lundas and Bié provinces, where the artisanal mining of diamonds has also become significant in recent years.

Moreover, foreign diamond buyers, authorised by Ascorp and Sodiam, have become the main funders of organized networks of *garimpeiros*. This practice has served to fuel the expansion of illegal artisanal mining activities. The diamond buyers provide modest funds for the basic nourishment and sheltering of groups of *garimpeiros*, who may spend several months digging for the gems.

The artisanal miners are exploited by these companies and treated as a disposable workforce. To date, the government has only legalized the diamond buyers, but has left

27 Diário da República, 2003:1438.

28 Ibid.

29 Council of Ministers, 2003:724.

the artisanal miners in an illegal and impossible situation, effectively inviting all sorts of threats and abuses against them.

Overall, therefore, Angola's legislation on diamonds has only served to exclude the local communities and those who do not belong to the nationally-sanctioned and organized system of impunity and privileges. The laws and administrative acts promulgated by President José Eduardo dos Santos have been a rollercoaster of contradictions and arbitrariness, which are hard to qualify.

Besides the responsibility of the state for the crimes committed against the local communities, the utter incompetence and naiveté of high-ranking officials in setting up organized schemes for looting state resources, some of the institutional initiatives simply amount to political schizophrenia. For example, president Dos Santos denounced a law he himself had approved during the one-party period (1975-1991). As it will be explained, he accused the law itself of being responsible for the lawlessness in the Lundas.

In 1991, the People's Assembly acknowledged the failure of all measures taken by the government to fight against *garimpo*.³⁰ For the first time since independence, the regime recognized the right of Angolan citizens to possess diamonds and trade them, through Law n° 30/91.³¹ Clearly, this initiative had an electioneering appeal to it: the country was enjoying a cease-fire between the MPLA government and the UNITA rebels, and preparations were under way for the first-ever multiparty general elections in the country, scheduled for September 1992.

The terms under which the National Assembly then revoked the right for Angolan citizens to possess and trade diamonds, in 1994, deserve no further comment:

“One of the fundamental reasons for the current situation in the diamond areas stems from the application of Law n.º 30/91, which liberalized the possession of, and trade in diamonds, thus creating the false idea that any citizen can benefit from a valuable natural resource that, in constitutional terms, belongs to the state, and that must be explored for the benefit of the whole nation. This liberalization, besides all the extremely negative consequences that it has brought to the national economy, generated the false

30 Nationa's People's Assembly Permanent Commission, 1991:807-8.

31 Ibid.

idea that the circulation of people and goods throughout the national territory, is entirely free, and does not tolerate necessary restrictions and conditional circumstances, which violates Constitutional Law, having created, at minimum, an unmanageable situation as far as the prevention and the repression of the illegal trade in diamonds is concerned, because penal norms cannot be applied to the situation.³²

(...) It has also been concluded that the best use of and the trade in diamonds are incompatible with legalizing the and sale of diamonds, even if these have been acquired outside the mining concessions, since Law n.º 20/91 unleashed a process, contrary to what was expected, of illegal mining and theft of diamonds in the concession areas, as well as the circulation and settlement of illegal immigrants.³³

The President of the Republic, in whose office all decision-making powers are concentrated, and who acts without institutional checks, continues to shield himself with the Constitution, which makes him effectively unaccountable for his actions. Under him, acts of incompetence, bad-faith and corruption became the institutional norm, while the law has been used as a mere convenient expedience to confer political legitimacy on his abuses of power.

With the achievement of peace in 2002, the participation of generals, other senior members of the regime and their kin in the diamond business, in joint-ventures with foreign capital, became the institutional norm. Since then, violence in the region has known several cycles of intensity, such as the one that has scaled up in the past two years.

32 National Assembly, Diamond Law (Lei 16/94).

33 Ibid.

CHAPTER II – Legal reform, the use of force and political power

“We have everything to believe that we can be a role model for African countries, and a regional powerhouse which, in the future, may guarantee the well-being of all our citizens.”

President José Eduardo dos Santos, December 28, 2010

In 2005, the report *Lundas: The Stones of Death* undertook a detailed analysis of three essential questions concerning the Cuango region, in Lunda-Norte province:³⁴

- The impact of the diamond mining industry on local communities, and the causes and effects of social exclusion;
- The privatization of law and order, both with regard to the behavior of state defense and security forces, as well as private security companies, resulting in systematic violations of human rights;
- Legislation on diamonds, especially the Special Regime of the Diamond-Bearing Reserve Zones (Law n° 17/94). This law applies exclusively to Lunda-Norte and Lunda-Sul provinces, placing special legal restrictions on inhabitants in terms of freedom of movement of people and goods.

In response to some of the recommendations set out in the report *Lundas: The Stones of Death*, the President of the Republic, José Eduardo dos Santos, introduced sweeping measures designed to solve the principal problems affecting the Lundas.

On April 27, 2007, he created the inter-departmental Commission for the Protection of Diamond Mining Resources (CIPRED)³⁵ with the stated aim of safeguarding this natural resource and utilizing it for the benefit of local communities.

The president framed the creation of CIPRED as a response to the alarming increase in mining and illegal trafficking of diamonds. He demanded that “urgent,

34 Marques and Campos, 2005.

35 Presidency of the Republic, 2007:765-6.

appropriate measures be taken to control and regulate informal diamond digging activity and exploitation of other natural resources.”³⁶

CIPRED includes members from seven different government departments, namely: Interior; National Defense; Geology, Mines and Industry; External Relations; Internal Administration; Agriculture, Rural Development and Fisheries; and Public Administration, Employment and Social Security. The Attorney General’s office, the parastatal companies ENDIAMA and SODIAM, as well as the CSD (Corpo de Segurança dos Diamantes – the Diamond Security Corps) also sit on the commission.³⁷

In principle and in practice, this commission is redundant, for its function duplicates responsibilities already assigned to its constituent departments. The suite of official initiatives on diamonds may also be considered repetitious, from a legal point of view.

For example, in 2000, in Resolution n° 1/00, president Dos Santos created the abovementioned Corpo Especial de Fiscalização e Segurança de Diamantes (CSD) for the “prevention and suppression of illicit diamond trafficking.”³⁸ One year later, the President established Law-Decree n° 6/01 conferring permanent legal status on the CSD, which he maintained under his direct authority, with the same operational objective.³⁹ Seven distinct organs of the National Police, military security and Customs remained involved in the CSD. In turn, Decree n° 72/01 codified the CSD’s operational priorities, giving it the authority to exercise 11 powers, the following of which are most relevant:⁴⁰

- Prevention and suppression of illicit diamond trafficking (Art. 3, 1, a);
- Evaluation and systematic modernization of illicit diamond trafficking combat operations (Ibid., e);
- Pursuit, search, arrest and detention of elements involved in illicit diamond trafficking (Ibid., k).

36 Ibid.

37 Ibid.

38 Presidency of the Republic, 2000.

39 Council of Ministers, 2001:643.

40 Council of Ministers, 2001:833-9.

In 2003, as an adjustment to the “new reality and government philosophy on combating illicit diamond mining and trafficking”, President dos Santos declared a new regulation for the CSD, changing its name to *Corpo de Segurança dos Diamantes*.⁴¹ There were also slight alterations to its management and function. The body was no longer under the direct authority of the head of government, the president (Art. 1.3). Instead of ‘prevention and suppression’, the new focus was on “combating illicit diamond mining and trafficking” (Art. 4, 1, a); the modernization of operations was broadened to include informal digging (Ibid., e) and the role of pursuit, search and detention was dropped. The CSD’s duty now is to simply accompany and supervise the security operations of mining companies (Ibid., k). In other words, the government has formally privatized combat operations against informal digging and diamond trafficking, which are in practice two sides of the same coin.

Meanwhile, from 2001 to 2003, the Angolan government entered into a contract with Stanwest Establishment and Leviev’s Wellox⁴² to establish a joint-venture service provider for the management and security of diamonds, after deeming the CSD unsuitable for the role. In practice, the joint-venture was a response to the interests of the foreign shareholders of Ascorp, who happened to be the main beneficiaries of Stanwest Establishment and Wellox, respectively Sylvain Goldberg and Lev Leviev. The joint-venture soon became the driving force of government policy, leaving the CSD in existence as a mere formality. However, in 2003, the government accused its foreign partners of being incapable of combating illicit diamond trafficking and rescinded the contract⁴³. Leviev remained vested in Ascorp.

The cases set out in this report raise an important question about the CSD. What is its current role in designing and supervising combat tactics used by private security companies and the FAA against informal diggers, and by extension, against local communities? In time, the Angolan authorities will have to answer this question.

For now, CIPRED legally embodies a wide range of inconsistent and competing roles. Where diamond mining is concerned, this commission is tasked with establishing

41 Council of Ministers, 2003:2034-43.

42 Council of Ministers, 2003:724.

43 Ibid.

the location of all mining sites, planning expulsion operations of illegal miners and repatriating illegal immigrants. The commission's job is also to set up farming cooperatives and training centers for the professional "rehabilitation" of informal miners.

Significantly, according to CIPRED's governing regulation, the government reiterates the notion of enabling the local population in diamond areas to continue engaging in informal mining activity. CIPRED is responsible for demarcating the areas assigned for this activity, and for registering and issuing credentials to small groups of informal diamond diggers.

The commission was given a period of six months to finalize this work and present it to president Dos Santos, whose office was tasked to liaise between the two commissions that had been created.

In fact, the official decision to grant significant shares in the state-foreign diamond joint-ventures to senior army officers actually contributed towards disorder in the mining region. It institutionalized self-dealing, corruption, and the generals' sense of entitlement of a major portion of the diamond fields. Clearly, and it needs to be reiterated, Angolan law forbids public officials from engaging in business ventures, for personal profit, with the state, so generals on active duty in the mining areas were given official leave to break the law.⁴⁴

By June 26, 2006, José Eduardo dos Santos had already set up the Technical Commission for the Revision of Mining Legislation (CTRLM).⁴⁵ A practical outcome of the work of this commission was the Council of Ministers' decision to approve a Regulation on Informal Diamond Digging, in 2009 (Decree n° 53/09). This regulation sets out the rules by which the local population may participate in diamond mining, outlining the mutual benefits to the State and the communities involved.

44 The Law on the Crimes Committed by Public Office Bearers (Law 21/90), in effect from 1990 until 2010, banned office holders from carrying out private business with the state (Art 10). The succeeding Law on Administrative Probity, passed in 2010, also makes it unlawful for a government employee to make economic gains by getting percentages from either private or state business ventures (Art 25, 1, a).

45 CTRLM (2010) The final report of the referred commission details the process of legislative reforms of the mining sector designed to attract greater foreign investment, an increase in government revenue and, lastly, improvements to the living conditions of communities located within exploration areas.

The governor of Lunda-Norte, Ernesto Muangala, said at the time that this regulation would “allow every citizen of Angola from Cabinda to Cunene, without exception, to benefit from the wealth (of diamonds) which belongs to all of us Angolans.”⁴⁶

In legal terms, the Regulation (Art. 14, 1, a and b) established that informal digging activity is the exclusive right of Angolan citizens, aged 18 years and above, and resident for more than 10 years “in the communes circumscribed as areas demarcated for informal digging.”

In formal terms, these measures represented a legal, administrative model designed to address abject poverty, combat illegal mining and trafficking of diamonds, stem illegal immigration, and put an end to the spiraling violence in the region.

Reforms in the Context of Angolan and International Law

Legislative reforms on diamonds were taking place at a time when the fundamental rights of citizens were protected by the Angolan constitution and international laws.

In its broadest terms, the Angolan Constitution does not envisage any situation where the right to life and physical integrity are violable (Art. 58, c) even when war or a state of emergency has been declared, or the country is under siege. In turn, a ban on torture, forced labor, and inhuman or degrading treatment (Art. 60), is in legal effect at all times.

Furthermore, Angola incorporates as domestic law both the Universal Declaration of Human Rights and the African Charter on Human and Peoples’ Rights, to which it is a signatory. These international judicial instruments are applicable at trial in Angolan courts, at all times, under the Constitution (Art. 26. 3), where litigation related to human rights is concerned.

46 Bengui, 2009.

According to Article 5 of the Universal Declaration of Human Rights, “No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.” In similar fashion, the African Charter on Human and Peoples’ Rights bans physical and moral torture, as well as cruel, inhuman or degrading treatment (Art. 5).

While the government has made a legislative effort to regulate both industrial and informal diamond mining activity to better protect human resources and provide dividends to the local population, it is evident that in practice, the government is breaking Angola’s own Constitution by sanctioning the arbitrary use of violence and systematic torture of miners and defenseless civilians by the FAA and private security companies, especially Teleservice. It is perhaps no coincidence that the government has refused to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In Cuango, FAA soldiers and Teleservice operatives use machetes on a daily basis to torture miners. They use them to beat their victims’ buttocks, the soles of their feet, and palms of the hands, frequently causing serious injuries, paralysis, or even death.

Officials like Governor Ernesto Muangala have even shifted responsibility for such institutional violence onto the victims. He has proclaimed that the regulation mentioned above ensures “organized, disciplined and improved extraction, and does not allow for the risks which many people face today as they mine illegally. Because one day he [the informal digger] works here, another day there, and so forth, often putting his own life in danger.”⁴⁷

By fostering violence and torture, the State and its agents therefore place themselves in a position of continual violation of Angolan and international law. Human rights are systematically violated, fostering an atmosphere of corruption and uncontrolled greed, which only serves to guarantee the illicit enrichment of its perpetrators. Worse still, this behavior creates a truly degrading and dehumanized environment within the communities, as will be seen later in the report.

47 Ibid.

CHAPTER III – The Kimberley Process and Human Rights

“In Angola, which far overshadows Zimbabwe in importance to the jewelry market, the Kimberley Process appears to have little appetite for human-rights issues.”
Wall Street Journal⁴⁸

This chapter presents a comparative analysis of the international responses to human rights abuses in the Marange diamond mines of Zimbabwe and the Cuango basin in Angola. It evaluates the manner in which countries and influential institutions have used the Kimberley Process (KP) to address human rights and protect their geo-political and economic interests.

Launched in 2003 under the patronage of the United Nations, the KP was designed as a three-way initiative (including governments, industry and NGO’s) to prevent diamond trading by rebel movements that would use it as a means of financing themselves. The KP is a diamond certification scheme, from source to purchase, with a notional system of internal and external checks and balances to prevent the circulation of conflict diamonds in the international market. Under the KP’s auspices, it is the responsibility of the participating governments to issue certificates guaranteeing that exported diamonds are “conflict-free.”

The Angolan government is one of the founding members of the KP, and played a leading role in its creation as part of its political and diplomatic strategy to combat the then rebel movement, UNITA.

In the last years of the civil war (fought between 1975 and 2002), trade in Angolan diamonds was subject to particular scrutiny by the international community in order to prevent the financing of UNITA’s guerilla movement.⁴⁹ The sanctions imposed on UNITA by the United Nations Security Council were instrumental in the total dissolution of the movement, which found itself incapable of even obtaining basic food

48 Allen, Mike, 2010.

49 United Nations, 1998.

supplies for its leadership. The sanctions contributed to the government forces' decisive military victory, and the eventual annihilation of the UNITA leadership.

After the civil war ended, the international control mechanisms on the Angolan diamond trade that were monitored by the United Nations Security Council, were removed. It was implicitly assumed that, just like the rebel movement, blood diamonds had been extinguished. With the exclusive authority to certify diamonds as “clean”, the Angolan government found itself with international legitimacy and free from any pressure regarding the institutional violations of the human rights of the communities located within the diamond-bearing areas.

Conversely, in 2009, the KP declared an international embargo on trade in diamonds from Marange. This amounted to a sanction against the Zimbabwean government for violating human rights in this diamond-mining region and signaled its non-compliance with the minimum requirements of the Process.

This measure is grounded in the principal objective of the KP: to implement actions that promote respect for the most basic international norms, in particular the Universal Declaration of Human Rights, to which the member countries of the KP subscribe. By broad interpretation, the KP provides for the imposition of sanctions against governments that violate human rights in the context of the diamond extraction industry.

In a scathing 2009 report, Human Rights Watch (HRW) described a series of “horrific human rights abuses” committed by military and police forces in the Marange mines. For these reasons, it recommended that Zimbabwe be suspended from the KP and that a sales embargo be placed on diamonds originating from that mine until the government ceased human rights violations in the area.⁵⁰

As a form of abuse prevention, HRW, as well as Global Witness, advocated the broadest interpretation of the KP Certification Scheme to eliminate the “systematic and gross human rights violations” associated with the diamond trade.⁵¹

50 Human Rights Watch, 2008:5, 6.

51 Ibid., Global Witness.

Moreover, the candor of the chairman of the World Diamond Council (WDC), Eli Izhakoff, in reaction to the reports coming from Marange was unequivocal:

“We are all too familiar with the horrific reports that have come out of Zimbabwe pertaining to the conditions of the population in the Marange diamond fields. The allegations of murder, rape, assaults and human abuse in communities which live alongside these diamond fields are appalling. The world’s diamond and jewelry community cannot stand idly by when these allegations are made. The affected populations are members of our own family. We must act to protect their interests. [...] I cannot state this more strongly. To trade in diamonds from Marange today is, in effect, the same as supporting acts of violence against civilian populations. Such a situation cannot be tolerated by people of good will and ethical purpose.”⁵²

In contrast, back in 2006, the WDC issued a statement regarding the contents of the report I had published called “Operation Kissonde: The Diamonds of Misery and Humiliation.”⁵³ An article I wrote around the same time for *The Washington Post*, ‘A New Diamond War’, raised the attention of WDC to the report. WDC stated that they “share(d) the concerns of Rafael Marques in his report (November 6th) entitled 'A new diamond war'.”⁵⁴

WDC, in an open letter signed by its president, emphasized that:

“It is precisely to address the issues surrounding alluvial mining in Angola and other countries in Central and West Africa that the diamond industry is working with NGOs and the World Bank in the Diamond Development Initiative to create solutions to the economic, social, environmental and development impact of the informal mining sector.”⁵⁵

Furthermore, the WDC stated:

52 Eli Izhakoff made these remarks during his speech to the Congress of the World Jewellery Confederation on the February 21, 2006.

53 Marques, 2006.

54 World Diamond Council, 2006.

55 Ibid.

“It is essential that individuals and communities depending on these activities for their livelihood be properly protected under the rule of law and that mining companies and their security organizations abide by all international norms on human rights.”⁵⁶

The then CEO of Endiama, Arnaldo Calado, formally responded to the international circulation of the “Operation Kissonde” report, condemning the reported abuses and promising corrective measures:

a) Endiama, its affiliates and partners condemn all acts of violence against the people, attributed to individual members of security companies serving the diamond industry;

b) From the beginning, and according to the report, Endiama, mining and security companies met with the local authorities of the province of Lunda-Norte, and will continue to work with them in order to verify the cases reported and the mechanisms to prevent such acts from happening again;⁵⁷

Mr. Calado also took the opportunity to deny that the abuses in the mining areas were tainted by neocolonialism, and that their gemstones were blood diamonds:

“ENDIAMA E.P refutes the affirmations of "neocolonial" practices [in the mining fields], and a continued association of the diamonds in Angola with "blood diamonds", since this only occurred when there was a military conflict. Angola has been and will continue to be in the frontline of the Kimberley process, monitoring its diamonds.”⁵⁸

The international NGOs reported here, as well as others, have repeatedly called for the expansion of the concept of blood diamonds. For them, human rights abuses committed by private institutions and governmental bodies should also be incorporated, unequivocally, into the definition of blood diamonds. The report *Lundas: The Stones of Death* was one of the very first examples of such a call.⁵⁹

56 Ibid.

57 Calado, 2006.

58 Ibid.

59 Marques and Campos, 2005.

Reports written about the Cuango basin have revealed tragic, permanent, structured and deep-seated institutional violence against local communities.

In spite of these denunciations, in 2006, the KP elected Angola as president of its Working Group on Alluvial and Artisanal Diamond Production. The General Assembly of the United Nations saluted the election, and highlighted what it called the role of Angola in addressing problems related to artisanal mining and in improving internal control over alluvial diamond production.⁶⁰

In 2005, the office of the United Nations on Human Rights in Angola, in collaboration with the Angolan Bar Association, undertook a verification mission on human rights violations in the Lundas. Although the mission excluded Cuango from its itinerary, it reported similar types of abuses in other parts of the region.⁶¹ According to the brief internal mission report, guards of private security companies, at the service of the diamond mining companies, systematically tortured and murdered miners, raped women, pillaged communities and prevented people from carrying out basic subsistence activities.⁶²

In the face of this evidence, a singular and isolated intervention by the then United States senator, Russ Feingold, stands out. The lawmaker read a *Wall Street Journal* report describing the continuous murder and abuses taking place in the Lundas and, on June 24, 2010, he put the matter before the U.S. Senate. “The international community should investigate these reports and ensure that Angola is fully living up to its commitments in the Kimberley Process. If it is not, there should be serious consequences,” demanded the senator.⁶³

Feingold further highlighted the need for the KP to incorporate an increased level of protection of human rights in monitoring procedures of participating countries.

60 United Nations, 2010.

61 The author had access to a copy of the internal mission report, *Lundas Field Mission Report*, by Cláudio Lopes, for the Office of Human Rights of the United Nations.

62 Ibid.

63 Feingold, 2010.

Recognizing the limitations of the KP as a voluntary organization, the senator stressed that “we cannot allow ongoing human rights abuses involving diamonds to be ignored.”⁶⁴

Russ Feingold also appealed to the U.S. government and its international partners to explore ways to “put pressure on corrupt officials in Angola to cease their illicit actions, including travel bans and assets freezes, and more.”⁶⁵

All these efforts were to no avail. In Cuango, the current situation is one of despair, with an exponential increase in the killings in the region, and in the creativity in the daily acts of torture committed against the local communities. The silence and complicity of the international community in turning a blind to the abuses in Angola contributed towards the impunity enjoyed by the people responsible.

Western and African Influences and the Role of the United Nations

A central question needs to be addressed: why does the international community ban diamonds from Marange for being blood diamonds, while legitimizing and trading those from Cuango?

Information revealed by Wikileaks suggests that the United Kingdom coordinated international efforts to impose an embargo on the sale of diamonds from Zimbabwe. The United Kingdom, which is the strongest international critic of the Robert Mugabe regime, has used its influence on its European partners, the United States and others, as well as encouraging international organizations such as Global Witness and Partnership Africa Canada.⁶⁶

On November 12, 2009, after the KP conference in Swakopmund, the European Commission – which coordinates and leads European policy in this area – declared in a press release its support for the maintenance of sanctions on Zimbabwe, “in light of the

64 Ibid.

65 Ibid.

66 *The Daily Telegraph*, 2011.

non-compliance with the requirements of the Kimberley Process and reports of violence and human rights violations.”⁶⁷

The European Commission went further by stating its intent to protect “the integrity of the Kimberley Process and ensure that Marange diamonds contribute to Zimbabwe’s economic development, and do not fuel further violence and human rights violations.”⁶⁸

Angola, the most influential African ally of the Mugabe regime, led the chorus of African countries opposed to the sanctions. The strongest public statement on the subject was issued by the African Diamond Producers Association (APDA), which is based in Angola. “The motives behind the attempt to block Zimbabwean diamonds are sinister,” stated the executive secretary of the association, Edgar de Carvalho, himself an Angolan.⁶⁹

According to the position championed by Angola, sanctions against Marange diamonds violated World Trade Organization rules. Angola also emphasized that the operational guidance of the KP, agreed upon by all participants, “deals only with conflict diamonds as defined by the United Nations Security Council Resolution.”⁷⁰

Edgar de Carvalho specified that blood diamonds are those “used by rebel groups to overthrow legitimately-elected governments.” As far as Angola was concerned, since there was no civil war in Zimbabwe, and no rebel group attempting to overthrow the Mugabe regime, “there are no conflict diamonds in Zimbabwe.”⁷¹

Through the APDA, Angola accused the KP of exceeding its mandate, arguing it should be left to the World Trade Organization and the General Assembly of the United Nations to “have the prerogative to opine on such issues.” At the end of 2010, Boaz Hirsch, the outgoing president of the KP, decided to maintain the sanctions on Marange

67 *Europa EU News*, 2009.

68 *Ibid.*

69 Carvalho, 2010.

70 *Ibid.*

71 *Ibid.*

diamonds. In response, the Association threatened to retaliate with the withdrawal of African countries from the KP.

By favoring a narrow interpretation of the scope of action of the KP, focusing its argument on the juridical legitimacy of the KP's actions, the APDA attempted to deflect attention from the essential reality of diamond-mining in its member-states. It thereby chose to ignore not only the reality of what was happening in Marnage, but also the international norms to which it was subject, namely those of the UN Security Council.

Under no circumstances, do decisions of the Security Council exonerate African countries from their duty to respect domestic laws and international treaties to which they subscribe. The United Nations has never extended to member states the right to exploit, torture and murder its own citizens or others, in the course of diamond mining activity by governments or officially authorized entities.

In Angola, as in all other members of the APDA, such acts constitute flagrant violations of national law. Besides, countries remain bound by the tenets of the United Nations Charter, as well as the international treaties to which they are signatories.

In principle, the United Nations Charter governs Security Council resolutions. The purposes of the Charter are “to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction of race, sex, or language.”⁷²

Edgar de Carvalho's staunch defense of Zimbabwe was understandable in the context of the close political alliance between the regimes of Dos Santos and Mugabe. Yet, the Angolan authorities should have been reminded of the Presidential Decree No. 182/10 of August 23, 2010, which defined the new Diamond Trade Model (DTM) for Angola. By his own volition, the Angolan president acknowledged, in the same decree, the need to prevent human rights abuses and other ills that may taint the diamond trade.

One of the DTM's articles established the following key policy objective:

72 United Nations, 1945.

“To promote the image of Angolan diamonds, through the discouragement of illegal practices such as money laundering, financing armed conflict, human rights violations, and by the implementation of information mechanisms on operational procedures of companies, as well as the companies’ names and constitutive agreements.” (Art. 3, d).

The Angolan Constitution repeatedly subjects the country to international legal norms. It states unambiguously that, “the fundamental rights established in the present Constitution do not exclude any other applicable legal and regulatory norms under international law” (Art. 26.1). Consequently, it determines that “the constitutional and legal principles related to fundamental rights should be interpreted and integrated in conformance with the Universal Declaration of Human Rights, The African Charter on Human and Peoples’ Rights and international treaties on the subject, ratified by the Republic of Angola” (Ibid., 2).

The international legal mechanisms referred to above are, by constitutional mandate, applicable at all times in national courts (Ibid., 3). The Constitution also obligates Angolan citizens to invoke and use international treaties, at all times, in defense of their fundamental rights and freedoms. The same principle applies to Zimbabwe’s citizens, as the same principles are established in that country’s Constitution as well. As a norm of international law, the legitimacy of governments does not override the basic rights of the people. Rather, it depends on them serving the people.

The MPLA, the party in power for 36 years, therefore bears principal moral responsibility for the atrocities taking place in the Lundas. Formally, in its program for government, the MPLA affirms its “commitment to respect international conventions on Human Rights, in particular the Universal Declaration of Human Rights and the African Charter on Human and Peoples’ Rights.”⁷³

The United Nations, the source of KP’s legitimacy, ought to meticulously observe the principle of equality amongst peoples and safeguard peace and fundamental human rights. It is, therefore, the responsibility of the United Nations to unequivocally clarify

73 MPLA, 2010:73.

and, if necessary, redefine the concept of blood diamonds, and ensure that the KP complies with the revised definition.

In 2007, the General Assembly of the United Nations elected Angola as a member of the United Nations Human Rights Council, in spite of international protests against abuses by the Dos Santos regime. In 2009, Angola secured a renewed seat on the Human Rights Council for the 2010-2013 sessions. The United Nations should therefore scrutinize Angola's role and fulfillment of its obligations as vice-president of that Council.⁷⁴

In Geneva on March 1, 2011, at the 16th Assembly of the Human Rights Council of the United Nations, Angola condemned the Muammar al-Gaddafi regime for gross violations of human rights against Libyan citizens protesting against his rule.⁷⁵ According to the statement by the Secretary of State for External Relations, Manuel Augusto, "the absence of robust policies in the promotion and protection of economic, social and cultural rights could be one of the major causes of civil and political unrest, as has been seen recently in many parts of the world."⁷⁶

In the same statement, Angola made the following statement. "The excessive use of force by governments should not, under any circumstances, be endorsed or tolerated, in modern society."⁷⁷ On Angola's behalf, Manuel Augusto exhorted the Human Rights Council to urgently respond to violations of human rights throughout the world.

Plenary Sessions of the Kimberley Process and Fact Finding Missions to Zimbabwe and Angola

From August 24 to 29, 2009, an international panel of seven members of the KP visited Angola to evaluate the level of compliance with the Process. According to an

74 UN Human Rights Council, 2010.

75 Department of External Relations, 2011.

76 Ibid.

77 Ibid.

internal report, the visit focused on the artisanal mining sector and related questions, such as internal control and statistics.⁷⁸

The internal report, to which I gained access, expresses some concern about the violent expulsion of Congolese nationals from mining areas in Angola.⁷⁹ This focus was primarily a reaction to the denunciations regularly made by some influential international organizations and covered in western media. Systematic rape of Congolese women during repatriation from Angola has been a focal point of the condemnations.

In general, though, the report entirely avoided any discussion of abuses carried out against local communities and Angolan citizens by Angolan authorities themselves, mining companies and private security companies.

Angola assured the 2009 KP mission that internal controls on artisanal mining activity were effective. According to the KP's official statement, the Diamond Security Branch (*Corpo de Segurança de Diamantes* - CSD) regularly supervises all the transactions between the official buyers and the illegal miners.⁸⁰ Moreover, according to the document, the government confirmed the absence of intermediaries in the transactions with artisanal miners, with sales being carried out directly and exclusively with Sodiam.⁸¹

However, the KP monitors noted a lack of transparency by the CSD in registering sales transactions, and observed that, at no time, were KP officials given access to, or information about, the existence of such registers. They limited themselves to advising that, should the registers actually exist, they should be kept at the headquarters of the CSD to assist in the verification of the source of production and the point of the diamonds' auction and shipment, as well as meeting the need to match the declared value of diamonds produced in Angola with those exported to international markets.

On a visit to the "counting houses" (*contuários*), as the Sodiam/LKI and Sodiam/Ascorp's diamond buying houses are known, the KP team noted the absence of

78 The author obtained a copy of the Kimberley Process internal report on the visit to Angola, January 24-29, 2009, Kimberley Process, 2009a.

79 Ibid.

80 Kimberley Process, 2009a.

81 Ibid.

“account books, duplicates or registration files on past transactions carried out in the diamond buying houses.” Although Sodiam produced a receipt book, the mission noted that it was not pre-numbered, making it impossible to audit or control the movement of diamond lots. The mission noted the ease with which such receipts could be forged.

The Angolan authorities informed the mission that “the left side of the receipt allegedly accompanies the lot to Sodiam and the right side is given to the miner, so that he can take it to the bank to deposit his money.”⁸²

The hosts insisted that the artisanal miners were licensed to work and to sell diamonds. However, in the few interviews that the mission conducted with miners, the mission never came across one with a license.⁸³

In reality, my research shows that these licenses are only issued to diamond buyers, not to miners, based on both official data and facts gleaned from interviews with hundreds of miners and buyers. On the basis of these interviews, which I have been conducting on a regular basis since 2004, it is possible to infer that there is no public awareness, in the principal artisanal mining areas of Angola, of any artisanal miner ever having been issued with credible proof of purchase and sale of his diamonds.

A well-known Sodiam buyer in Cuango, explained, on condition of anonymity, the circumstances in which trade in the region’s diamonds is regulated. The buyer stated that receipts are only issued for internal transactions between intermediate buyers licensed by the CSD, in the name of Sodiam and Ascorp, and the ‘bosses’⁸⁴ of these companies, always completely ignoring the existence and role of the artisanal miners the source of the transaction.

“If a receipt is issued, the artisanal miner could compare the value attributed to his diamond by one buyer, with sales made by his colleagues to another buyer. This could result in protests [by miners]. Receipts issued to miners could make prices competitive and ruin the business. This works like a cartel,” explained the Sodiam buyer.

82 Ibid.

83 Ibid.

84 *Boss* is the pretentious, self-imposed title of the principal diamond buyers in the diamond-bearing regions.

During the KP mission, the government informed the delegation how artisanal miners can obtain artisanal exploration permits, valid for three months (renewable) at a cost of US \$600 per permit.⁸⁵ However, detailed research revealed that this permit, a copy of which was attached to the KP mission report, is in practice issued exclusively to Sodiam and Ascorp diamond buyers, most of whom are foreign nationals. The Angolan authorities therefore used copies of the credentials issued to Sodiam and Ascorp buyers to deceive the KP mission into thinking that those credentials were issued to artisanal miners. And the KP mission members seem to have believed them without even taking the trouble to check.

Angola's Regulation on Artisanal Diamond Exploration became law on September 22, 2009, one month after the KP monitors' visit to the country. The regulation was the country's first legal norm to establish a mechanism by which artisanal miners can obtain permits (Arts. 15. 1, 2, 3, a, b, c, d, e, f, 4, 5, 6, 7, 8, a, b, c, 9.).

This regulation established that for individuals to operate as artisanal miners, they had to provide a copy of their identification cards, and pay the equivalent of a month's minimum wage each for the registration number, and the same amount to acquire the miner's permit (Arts. 15, 8, a, b). In 2008, the Angolan government established a national minimum monthly salary in the public sector of 8,600 kwanzas (currently worth about US \$85).

In theory, the registration number is the official artisanal diamond miner's title, issued by the Department of Industry, Geology and Mines (Art. 4). The permit is used for identification purposes to allow the artisanal miner to gain access to the designated artisanal mining zone (Art. 4, e).

But, in another contradictory statement, the then Minister of Geology and Mines, Mankenda Ambrose, stressed at the time of the 2009 KP mission, that the process of issuing registration numbers and permits would begin 90 days after publication of the

85 Kimberley Process, 2009a.

regulation, i.e., in December 2009.⁸⁶ The North and South Lundas would be the main focal areas for the process, given the intensive level of artisanal mining there.

According to *Jornal de Angola*, an official government organ, the minister explained that the government's decision consisted of "creating an internal control mechanism, which would allow the definition and legal regulation of artisanal activity, in accordance with Kimberley Process requirements."⁸⁷

The KP mission's conclusions and recommendations stressed, as noted earlier, serious concern with the manner in which Congolese citizens were being expelled from Cafunfo by the Angolan authorities, but made absolutely no mention of abuses committed against Angolan citizens. Why would that be?

On its subsequent evaluation visit to Zimbabwe, which took place from August 9 to 14, 2010, the KP panel openly interrogated the host authorities on the human rights situation in Marange. It eventually noted that there had been significant improvements and recommended the demilitarization of the area and the establishment of permanent and effective security infrastructure. The mission also recommended that the behavior of diamond sector investors and their private security personnel be included in Zimbabwe's due diligence process, such that it could be regularly monitored. The mission reiterated the KP's commitment to scrutinizing the activity of the Zimbabwean security services in Marange.⁸⁸

Although the KP noted the improvements in the situation in Zimbabwe, the sale of Marange diamonds is still under sanction, while Angola, whose failure to comply with the minimum requirements is flagrant and alarming, enjoys complete impunity.

On this subject, Partnership Africa Canada (PAC) notes "the complete incapacity of Angola to control the informal production of diamonds from source to sale, placing it in contravention to the commitment it gave to the Kimberley Process."⁸⁹ In one of its

86 Vilola, 2009.

87 *Jornal de Angola*. 2009a.

88 Kimberley Process, 2010.

89 Partnership Africa-Canada, 2009:5.

recommendations, PAC states that abuses of human rights “stain all Angolan diamonds” and suggests that such abuses “should be rejected by all who import Angolan diamonds.”

According to PAC, the KP should have included respect for basic human rights long ago, as part of its minimum requirements, instead of attempting to distance itself from them.⁹⁰ The KP’s contradiction concerning the monitoring of respect for human rights within diamond exploration creates a lot of confusion. On the one hand, the KP seeks to protect human rights in Zimbabwe, while on the other hand, it disregards them completely in its evaluations in Angola.

Meanwhile, Angola has been using the KP as a national and international propaganda device.

On November 19, 2009, *Jornal de Angola* published an article reflecting what it claimed was international praise for the country’s apparent success in the management and rational use of the diamond resources.

According to the article, published the day after the plenary meeting of the Kimberley Process Certification Scheme (KPCS) in Swakopmund, Namibia, “the experience of Angola and Sierra Leone in making good use of informal alluvial diamond production, was highlighted [...] as an example for other countries to follow.”⁹¹

The official report at the end of the Swakopmund meeting, which took place from the November 2 to 5, 2009, expressed its satisfaction with the commitment of the government of Angola, along with the DRC, Liberia and Sierra Leone, in reviewing and making improvements to the KP certification scheme in their countries.⁹²

By an apparent coincidence, since 2006, the executive director of Endiama, Paulo Mvika, representing Angola, has chaired the Kimberley Process Working Group on Artisanal Alluvial Diamond Production.

90 Ibid.:6.

91 Preto, 2009.

92 Kimberley Process, 2009b.

According to the *Jornal de Angola*, “Paulo Mvika encourages producing countries to promote political reform and public debate to ensure that diamonds contribute towards a reduction in poverty and improvements to social services of communities living in exploration zones.”⁹³

In a brief evaluation of the positions adopted in relation to the cases of Marange and Cuango, it is obvious that both the KP and the concept of respect for human rights can be cynically manipulated for geo-political and strategic motives, as well as for commercial reasons.

⁹³ *Jornal de Angola*, 2009b. At the time, Paulo Mvika was the National Director of Mines in the Department of Geology and Mines. This department now also includes the industry portfolio.

CHAPTER IV – Angola’s Diamond Industry and its Defense and Security Forces

Mayhem and Corruption in the Angolan Armed Forces

Since 1992, top ranking military commanders and members of the government have been jostling for control over the alluvial diamond mining areas, for their personal and illicit enrichment. With the end of Angola’s civil war in 2002, the disorder in the access to, and control of, those areas eased somewhat. A select caste of generals was granted shareholder percentages in the mining companies. Another political calculation, aimed at lessening the lawless scramble for diamonds by the military, was that security companies formed by generals were also awarded protection contracts for the mining exploration zones.

The standout case is the Lumanhe Company. The Minister of State and Head of the Military Bureau of the President of the Republic, General Hélder Manuel Vieira Dias (a.k.a. “Kopelipa”); Inspector-general of General Staff of the FAA, General Carlos Hendrick Vaal da Silva; and the Head of the National Centre for Troop Training and Education, General Adriano Makevela Mackenzie, became partners in Lumanhe.⁹⁴ This company holds 21 percent of the stock of the Sociedade Mineira de Cuango, SMC (Cuango Mining Company), the main protagonist of the wave of violence in Cafunfo.⁹⁵

Generals Kopelipa and Vaal da Silva are respectively responsible for the control and general supervision of the Angolan army. The other Lumanhe partners, who all hold equal shares, are General Armando Cruz Neto, the governor of Benguela province; and Generals João Baptista de Matos, Luís Pereira Faceira and António Emílio Faceira, the respective former heads of the FAA General Staff, Chief of Staff of the Army, and the Commando forces.

94 Diário da República, 2004:1232-3. The Lumanhe partners enlisted general Kopelipa into the company as a partner with the same share as all the other partners.

95 Endiama, representing the State, is the major share-holder, with 41 percent, while ITM Mining, in charge of operations, has a 38 percent stake.

In Angola, as a result of deep-seated corruption, being a general has become synonymous with being a businessman. In the main sectors of the country's economy, through a series of crooked deals, generals flaunt their power and influence with the President and the civil service, in exchange for their loyalty, obtaining shares in mining concessions and State businesses, seemingly as a matter of entitlement. As the survival and security of the MPLA regime rests in their hands, these generals have a *status quo* that effectively allows them to act at will, with complete impunity.

A key example of this overt corruption is the involvement in the diamond trade of the current Chief of Staff of the FAA, General Geraldo Sachipengo Nunda. While he was deputy Chief of Staff, General Nunda, who was also the then general manager of the Mombo company, signed the agreement which set up the Sociedade Mineira do Lapi consortium (Lapi Mining Company) to explore diamonds in Lunda-Sul.⁹⁶ As is explained below, the flagrant and arrogant manner in which high-ranking army officers and members of the government flout the law by committing crimes of corruption utterly obliterates the distinction between the public responsibility and private profit.

Foreign companies take full advantage of this institutional impunity. They actively and openly engage in overt corruption with Angolan leaders breaching Art. 321 of the Penal Code) by using them to enter into private business deals with the Angolan State. The Sociedade Mineira do Lapi is a consortium comprising the Sociedade Mineira do Catoca (Catoca Mining Company), which includes Endiama (32.8 percent); the Russian multinational Alrosa (32.8 percent), Lev Leviev Holding (18 percent); and the Brazilian multinational Odebrecht (16.4 percent).⁹⁷

The directors of the Mombo company are:⁹⁸

- General Carlos Alberto Hendrick Vaal da Silva, Inspector-general of the FAA General Staff;
- General Armando da Cruz Neto, governor of Benguela province and former head of the FAA General Staff;

96 Diário da República, 2008:7932-5.

97 Sociedade Mineira de Catoca, 2009:17.

98 Diários da República, 1994:1770-2, 1995:1405.

- General Adriano Makevela Mackenzie, Head of the National Centre for Troop Training and Education;
- General Marques Correia, Commander of the Eastern Military Zone;
- General Jacques Raúl, currently without a post (commander of the Military Zone of Cabinda at the time of signing the agreement);
- General Manuel Luís Mendes, currently without a formal post, previously Commander of the 8th Military Region.
- Commissioner José Alfredo Ekuikui, currently without a formal post, previously Commander-general of the National Police.
- Raúl Luís Fernandes Júnior, administrator of the municipality of Saurimo, capital of Lunda-Sul.

At the date of the signing of the agreement with Endiama, a State entity, these high-ranking officers also engaged in acts of corruption in addition to General Nunda.

Disarray within the Military

Military personnel employed by the government to undertake the task of combating illegal informal diamond digging also take on the contradictory function of forces of repression and protection. This is illustrated by several incidents narrated below. In doing so, they use a variety of abusive methods including sadism, corruption, torture, extortion, murder, and anarchy. Moreover, to profit from the trade and from their power, officers and soldiers often subject miners in their detention to dig diamonds as their forced laborers.

In my second report, “Operation Kissonde: The Diamonds of Humiliation and Misery”⁹⁹ from September 2006, I reported the murders of Zeferino Muassefo and Binoca Walikissa by a FAA corporal, on October 8, 2005. These two diggers were working on the banks of the Rio Lucola, Cafunfo, as forced laborers for Brigadier Simão Safa Cotripa, then commander of the Military Garrison in Cafunfo. He had seconded 12 soldiers from the Military Police to control the workforce in an area that had been

99 Marques, 2006.

“granted” to him by the local headman Kabundula, through Lieutenant-Colonel Cawanga. One of the soldiers, having confiscated a valuable diamond during the gravel washing of dug material, killed all of the diggers.

The victims’ relatives and witnesses went to the commander in search of justice and he gave them US \$800 from his wallet for funeral expenses. In spite of the commander promising the victims’ relatives that a commission of inquiry would be set up to investigate the tragedy, there was no institutional follow up on the case. The Military Prosecutor completely ignored the allegation, which was included in my report.¹⁰⁰

In fact, through Presidential Decree 41/09 of September 9, 2009, president José Eduardo dos Santos appointed Brigadier Simão Safa Cotripa to the position of Commander of the 71st Brigade of Light Infantry of the Northern Military Region.

A recent case provides a better example of the government's complete inability to effectively deploy the armed forces to control illegal diamond digging. It is not unusual for troops sent to round up illegal diggers to actually join in the diamond digging. On March 16, 2010, a group of six soldiers, attached to the 75th Brigade and stationed in Cuango, was supervising the work of 66 diggers working in the Weji area using improvised motorized equipment called *cazabulas*.¹⁰¹

The municipal command of the Cuango National Police undertook a large operation in the Weji area, which resulted in the arrest of 34 diggers and five soldiers, including Second-Sergeant Boano Cassinda, who was in charge of the soldiers assigned to supervise the digging operation in the first place. Others arrested included 1st Corporal José António Manuel and soldiers António Pedro, Luís Alexandre and José Kissanga. Having spent almost a year in jail, the soldiers were released in February 2011.

“Brigadier Scrima sent the troops to the area. We, the *cazabuleiros*, paid between US \$1,000 and US \$3,000 to his Excellency, the Brigadier, according to our equipment and

100 Ibid. I left several copies of the report in the Military Prosecutor’s office for his information.

101 According to specialists, a *cazabula* consists of joining a compressor and a motorised pump or generator, without the dynamo, to a hose in order to provide oxygen to the divers who, tied to a rope, remove gravel from the river bed. Another worker, called a *motista*, uses a second rope to haul the bags of gravel to the surface and on to a waiting float.

numbers, in order to work in that area. The local police chief found out about the deal and had us arrested and all our equipment seized,” explained Mateus Mucuco, one of the *cazabuleiros* arrested in the operation.

Mateus Mucuco spent six days in the local police jail. “I bought them a few sodas¹⁰² and they sent me on my way [ordered me released],” he recounted. Mucoco stated that the other diggers were transferred to Conduege Prison, in Dundo, where they were remanded for six months awaiting trial, after which they were finally released.

It is significant that Mucoco recalled that the National Police at no time mistreated any of the prisoners. “The police did not touch anybody. There was no rough stuff. They did their duty. Our only problem was hunger. There was no food.” Since the publication of my earlier report, “Lundas: The Stones of Death,” the population of Cuango has noticed, and broadly welcomed, significant improvements and institutional efforts made by the National Police, with regard to safeguarding the physical integrity and safety of citizens.

Mucoco confirmed that he will carry on working. “Now I pay the police and the FAA. Now there is an understanding between the commanders of the National Police and the FAA. We can all work together. We are exploring in Txipaxe,” he explained.

Captain Xico, commander of 3rd Company of the 1st Battalion of the 75th Brigade, was responsible at the time for security and prevention of illegal digging in the Weji area. Captain Xico explained how Brigadier Amadeu Maria Scrima, commander of the 75th Brigade, had “asked me for a section to explore. I complied. The Brigadier and Commander Ngangula were both very greedy and they had a disagreement. So the police chief ordered the arrest of FAA soldiers and diggers working in that area.”

“But the chain always breaks at the weakest link,” Captain Xico lamented, referring to his subordinates having been taken into custody and he himself having to appear in court.

102 Soda (*gasosa*), as a fizzy beverage, is the colloquial reference to petty bribe payments.

Captain Xico attested that, during cross-examination in court, he took the opportunity to state categorically that he had never ordered a digging operation, nor had he sent troops to that effect. “But he did designate soldiers to serve the brigade commander,” he explained, referring to himself in the third person.

“Both the troops and I were only following orders from above. I was called to appear in court, whereas it should have been Brigadier Scrima and the Chief of Operations of the Brigade, Lieutenant-Colonel Anacleto,” he emphasized.

In the officer’s opinion, “the brigadier has immunity, so we can’t say anything, we just have to follow orders.”

Brigadier Scrima is the current commander of the 61st Brigade stationed in Lumeji-Cameia, in the Eastern province of Moxico, while Chief Superintendent Ngangula is the municipal Commander of the National Police in Lucapa, in the province of Lunda-Norte.

The Power of Teleservice

In Cuango, Teleservice is contracted by SMC to provide security for its mining concession. SMC is primarily responsible for all security and protection measures taken within the restricted zones where it operates (Diamond Law, art. 23, 1, 2; art. 25, 1, a, b, c, d, e, 2, a, b, c, d, 3) However, this law is also very clear as to the exclusive mandate of the National Police and the Public Prosecution Service in dealing with matters of justice (Diamond Law, Art. 4).

In practice, Teleservice operates with impunity, which derives from its ownership structure. As the largest private security company in Angola, Teleservice boasts amongst its partners the cream of the Angolan military’s top brass. Leading Teleservice figures are still involved in the country’s defense and security forces while, as businessmen, they also occupy the top echelons of the political economy of Angola.

Established on December 16, 1993, Teleservice employs almost 8,000 men and has the following list of partners:¹⁰³

Shareholder	Previous and/or current Position	%
General António dos Santos França “Nдалu”	President of DeBeers Angola	10
General João Baptista de Matos	Former head of the FAA General Staff	10
General Luís Pereira Faceira	Former head of the Army General Staff of the FAA	9
General António Emílio Faceira	Former head of Commandos Division	8
José Carlos de Sousa Figueiredo	CEO of Gemini	8
José Pedro Fernandes da Silva		8
General Armando da Cruz Neto	Governor of Benguela and former head of the FAA General Staff	7
General Paulo Pfluger Barreto Lara	Former head of Central Division for Planning and Organisation of the FAA General Staff	6
Total		66

The above list of Teleservice shareholders owns 66 percent of the company. Ownership of the remaining 34 percent is still unclear, and needs clarifying in order to provide a complete picture of the company’s reach and power. As an incorporated company with limited liability, Teleservice is not required to disclose its shareholding structure. However, the company has been consistently mentioned as a partner company of Gray Security Services from South Africa (currently part of Group 4 Securicor),¹⁰⁴

103 Diário da República, 1994:999.

104 To view the mergers’ process of this multinational see <http://www.hitechsecurity.co.za/news.aspx?pkNewsid=7454> and <http://www.g4s.com/en/Who%20we%20are/History/>.

according to Teleservice's brochure.¹⁰⁵ It is through this association that Teleservice claims to have training centers in England and South Africa (Omega).¹⁰⁶

Violent acts committed by Teleservice ought to be evaluated in view of the fact that its guards are fully trained for the jobs they are supposed to do. Its foreign partner provides technical assistance and permanent supervision of its professional training center, from which all guards graduate.¹⁰⁷ In Teleservice's own description of the company, it claims to have, in Luanda, "a professional training center, with training modules, providing technical and educational qualifications achieved in specialized centers outside the country, which ensures that graduates attain high standards."¹⁰⁸

As part of their professional duty, all Teleservice guards are required to have in their possession the company pocket handbook, which contains the codes of conduct and discipline.¹⁰⁹ The code of conduct stresses respect for the laws of the land, but its systematic violation by Teleservice's guards and company managers cannot, under any circumstances, be attributed solely to individual acts of indiscipline.

In spite of repeated reports and condemnations of its perpetration of grave abuses of human rights, Teleservice continues to enjoy the confidence of multinationals such as BP, Chevron, De Beers, ExxonMobil, Halliburton and Statoil, all of whom retain the company as a security service provider in Angola. Through lucrative contracts, these multinational companies endorse and enrich a company renowned for the creative methods of torture used by its agents against defenseless Angolan communities.

SMC (Sociedade Mineira do Cuango)

SMC is a joint-venture company formed by ITM-Mining, the operator, Endiama and Lumanhe.

105 In 2006, while I was researching the article "Operation Kissonde: The diamonds of Misery and Humiliation," I approached a South-African representative of Gray Security Services, during a meeting with the directors of Teleservice.

106 Winnie, 2008.

107 Ibid.

108 Idem.

109 I have a copy of the pocket book, kindly given to me by the previous management of Teleservice.

Registered in Bermuda, on April 29, 1993, ITM-Mining is the oldest diamond mining company in Angola.¹¹⁰ It evolved out of the mining division of ITM International – Roan Selection Trust International Limited - which explored for diamonds in Angola from 1986 to 1992, especially in the Cuango region.

Documents obtained from Bermuda's official registry reveal that KNR Mining Ltd. has been the sole owner of ITM-Mining since February 15, 1995, holding all the 12,000 shares in the company. KNR Mining itself has been registered in the Turks and Caicos Islands (under license n.º 008646/E/L), since June 4 1991, and has as its local agent International Company Services Ltd (ICS). As a nominal representative of KNR Mining's shareholders, Diane Denth symbolically holds the company's only share.

The Turks and Caicos Islands is a self-governing overseas territory of the United Kingdom and an offshore tax haven. In this territory, registered companies are not obliged to publicly disclose details about their shareholders. Both KNR Mining and ICS, which is also represented in Portugal, share the same business address at PO Box 107, Oceanic House, Duke Street, Grand Turk, Turks and Caicos, BWI. Nonetheless, on its website, IT-Mining's executives indicate that KNR Mining was set up by former senior RST executives, two of whom are Renato Herculano Teixeira Hermínio and Andrew John Smith.

The table below lists the management structure of ITM-Mining as entered in the Bermuda official registry.

Name	Position	Address
Renato Herculano Teixeira Hermínio	Director and president	Rua Joaquim Kapango, 19/B — R/C, Luanda — Angola
Andrew John Smith	Director and vice- president	Rua Joaquim Kapango, 19/B — R/C, Luanda — Angola
Sérgio Eduardo Monteiro da Costa	Assistant director	Rua Joaquim Kapango, 19/B — R/C, Luanda — Angola
Helen M. Forrest	Director	Dallas Building, 7 Victoria Street

¹¹⁰ http://www.itmmine.com/itm/layout1_en.php

		Hamilton, HM11, Bermuda
Nadine H. Francis	Director	Dallas Building, 7 Victoria Street Hamilton, HM11, Bermuda
Lincoln Management Ltd.	Secretary	Dallas Building, 7 Victoria Street Hamilton, HM11, Bermuda

The subsidiary companies of ITM-Mining (namely ITM-Mining Calonda, Chitotolo e Cuango) were all formally registered in Bermuda as well, on February 22, 2008. They all have the same management structure as the parent company, adding only the name of Francine Leaning, the secretary for Lincoln Management Ltd.

In London, ITM-Mining has a representative address at Wembley Point, 1 Harrow Road, Middlesex, HA9 6DE. The same address also serves as a base for Intraco Services, registered in 1995. This company has also been operating in Angola as part of the ITM group and its directors are Charles Houston and Avra Miki Houston. The address of ITM-Mining in Angola (Rua Joaquim Kapango, 19B R/C, Bairro do Maculusso, Caixa Postal 2839) has also been used by Transafrik International, an aviation company registered in Guernsey and linked to the same group of companies.

ITM International had humble beginnings in Angola. Its subsidiary, Intraco, was contracted in 1976 to represent the multinational Caterpillar in Angola, and to provide technical support to the company's earth moving equipment, which was needed for the revival of the diamond industry in the country. In 1984, the Angolan authorities invited ITM to take over the contract with Diamang to operate the country's diamond mines, a contract that was previously held by the De Beers operation, Mining and Technical Services (MATS).¹¹¹ ITM operated the mines through its subsidiary, Roan Selection Trust International Limited (RST).

In his memoirs of his business activity in Africa, Andrew Sardanis, ITM's former chairman, cynically distances himself from any improper activity by ITM subsidiaries in Angola. Nevertheless, he reveals that his former general representative in Angola,

¹¹¹ Ibid.

Christian Hellings, had become a ‘regent’ and a ‘führer’ who could not be replaced, thanks to his authoritarian character and to his close links to the then Marxist MPLA regime, to which he offered many favours.¹¹²

The current management of ITM Mining also needs to be introduced.¹¹³ Renato Herculano Teixeira Hermínio was the director of RST, Transafrik and Intraco in Angola. At the moment he is still chairman of Intraco-Angola, which represents the U.S. construction firm Terex. He is also the director of Kanere Mining Inc., a company, currently inactive, registered in Florida.

Andrew Smith was the head of mining operations for RST and ITM Mining in Cuango district, while Sérgio Eduardo Monteiro da Costa was a member of Endiama’s commercial board in the 1980’s.

The ITM group of companies has a history of corruption and alarmingly bad corporate practices. At one point, it was the subject of a meticulous investigation undertaken by the Angolan authorities. Analysts at the Department of State Inspection and Control, headed at the time by the Minister of State Kundy Paihama, compiled a report for president Dos Santos detailing 50 serious cases of corruption, fraud, and forgery, committed by the ITM companies, in close collusion with their Angolan managers. The report estimated the alleged illegal acts caused losses to the Angolan economy of about US\$200 million.

For their historical value, and as a revelation to many Angolans, some of the accusations leveled against the ITM companies are set out below, focusing in particular on Cuango. In addition, these cases explain the group’s close collaboration with Angola’s MPLA regime, along with its longevity and success in such a corrupt environment.

In relation to RST (Roan Selection Trust) the inspection report noted the following irregularities within diamond exploration contracts granted to this company between 1986 and 1988:

112 Ibid.:34.

113 Cfr. Dietrich, 2000:170.

“Undervaluation of the planned levels of the Dunge mine with respect to historical and actual levels obtained, resulting in a loss of 40,934,454 USD from October 1986 to March 1989”.

“In 1987, 1988 and 1989, while the contract between Cuango and RST Ltd. was in full force, at least 17,105 large diamonds of more than 7 carats each were embezzled. The stones totaled 134,328,88 carats, and were appraised at 11,035,732.00 dollars (...) This was a massive operation, it was sophisticated, meticulously planned and executed. Several high-ranking officials in positions of responsibility in Cuango, Endiama and the Department of Industry were involved”.

The government report names the main characters involved in these schemes involving corruption and embezzlement of diamonds from Endiama and RST as company director, Christian Hellinguer, directors Renato Hermínio and Andy Smith, and Ray Smith, the company’s director for Cuango operations. The report said:

“In 1987, during the 1st Cuango contract, RST began diamond exploration in the Quibaba I and II mines and the Dambi II mine, without being granted higher authorization and solely based on approval by the Director of Endiama. Over 150,000 carats of diamonds were declared during this period.” The report named the authors of this crime as the then managing director of Endiama and current president of Ascorp, Noé Baltazar, along with Christian Herlinger and Renato Hermínio.

The report signed by Kundy Paihama, who currently holds the post of Minister for War Veterans and Former Combatants, was shelved. Widespread impunity remains the order of the day.

The tax haven status of the Turks and Caicos Islands serves to conceal the identity of the remaining shareholders in KNR Mining, but it does not extend as far as granting immunity for crimes against human rights involving companies registered there and their owners. Bermuda and the Turks and Caicos Islands, as British Overseas Territories, are subject to the international obligations of the main United Nations conventions on human rights, with the United Kingdom ultimately being responsible for their

application.¹¹⁴ Peter Muchlinsk, professor of international commercial law, emphasises that offshore businesses should not benefit from “human rights denial havens.”¹¹⁵ In other words, he is asking how seriously the U.K. is taking its responsibilities to protect human rights with respect to businesses registered in the tax havens that are subject to its jurisdiction.

Nevertheless, as the sole trustee of KNR Mining Ltd.’s shareholders in the Turks and Caicos Islands, International Company Services (TCI) is linked to serious crimes against human rights linked to its representative in Angola: crimes that are punishable under Angolan law. Apart from these crimes, KNR Mining Ltd., through its associate ITM Mining, is also breaking Angolan anti-corruption law. By entering into a partnership with Lumane, a company owned by top army officials – including the Minister of State and head of the Presidential Military Bureau, General Hélder Manuel Vieira Dias ‘Kopelipa’ – KNR has become engaged in influence peddling and the active corruption of Angolan officials.

The Angolan Penal Code defines and criminalises the acts of bribery and active corruption of public officials (Articles 318 and 323). In order to strengthen its legal measures against corruption, Angola has also incorporated international conventions into its domestic law to strengthen its legal framework in combating corruption. These measures include the Southern Africa Development Community’s (SADC) Protocol Against Corruption (Article 3.1.f), the African Union’s Convention on Preventing and Combating Corruption (Article 4.1.f) and the United Nations Convention Against Corruption (Article 18.a.b). Article 231 of the Angolan Penal Code ensures that violations of these international conventions are punishable under Angolan law.

Justice will not be found in the Angolan courts, since the country’s highest officials are part of a chain of command that guarantees impunity for these crimes committed in collusion with the shareholders and managers of KNR Mining and ITM. International institutions and courts offer the only hope of justice being served. The following cases illustrate the basic forms of looting that are practised by SMC.

¹¹⁴ Cfr. Phillips and Williams, 2003:3.

¹¹⁵ Muchlinsk, 2011.

On December 12, 2010, an SMC employee duly identified, but whose name is omitted for security reasons, carried out a robbery at the company, which yielded him 32 diamonds. As part of the operation, the said employee assigned a company uniform (blue coveralls) to his principal accomplice, so that he could drive a company vehicle within the production area. This is according to a statement by the accomplice.

At the agreed meeting point, in the Tximato area, the employee parked a truckload of gravel, intended for washing, and gave a pre-arranged signal. Eight miners, who had been hiding close by, jumped onto the truck and filled several sacks with gravel, supervised by the employee and his accomplice, now called the 'controller' of the group. Corroborated by two of the miners involved in the operation, the controller stated:

“At the end of the day, he [the employee] returned to the same meeting point. During the gravel washing, we collected 32 stones, which we delivered to the man. He kept all the diamonds, hid us in the truck, where we covered ourselves with gravel and he then took us to a nearby residential area, where we jumped out. (...) [The next day], as controller, I received a payment of US\$300 from Mr. [name omitted]. He then bought three luxury cars”.

Institutional Complicity

Institutional complicity between the FAA and Teleservice goes far and beyond these organizations sharing methods of torture and extortion. In Cuango both organizations are melded into a single repressive force and unified command.

For instance, on January 30, 2011, a joint-operational patrol of 19 FAA soldiers, Teleservice guards and members of the National Police, stopped two miners in the Kamikondo area of Cafunfo. According to the testimony of one of the miners, Júlio Francisco Moisés (Case 12, page XX), one of the FAA soldiers slapped him in the face nine times and rapped him on the hand several times with the handle of his shovel. “One of the Teleservice guards told the FAA soldier that he didn't know how ‘to educate’ diggers and he asked for the handle to teach him”, recalled the miner. According to Mr. Moisés, as part of his ‘lesson,’ the Teleservice guard “asked the soldier to step on my

head, while another Teleservice guard sat on my legs. The Teleservice [instructor] hit me so hard in the buttocks that they became inflamed. It was a terrible punishment.”

Mr. Moisés remarked how the National Police agents involved in the operation remained passive and refused to participate in the torture.

In order to fully comprehend the extent to which Teleservice specialized in torture, and was shielded by the FAA, a case that happened on the night of August 20, 2009, stands out. That night, several dozen Teleservice staff organized the mass torture of 105 miners near Tximango, in the municipality of Xá-Muteba. The diggers were made to lie down on the road to Kamabo in Cafunfo, Cuango municipality.¹¹⁶ The miners were tied to each other at the waist. “Each of us was tortured according to the number of diggers arrested. We were all hit 50 times on the buttocks, 60 times on the palms of the hands and 40 times on the soles of the feet”. This is according to a statement by a local youth activist, Jordan de Almeida Manuel, who was also one of the victims. He still has a massive scar on his right hand, the result of being hit with the handle of a shovel on that date. Others had wounds from machetes.

According to Jordan de Almeida Manuel’s testimony, having been put through further inhuman cruelty, at around 1 o’clock in the morning, the security guards delivered the detainees to the FAA military unit in the town of Cafunfo. Jordan de Almeida Manuel states that the soldiers took the prisoners into their custody and tortured them again. They used fuel hoses, cut into three lengths, known locally as a ‘3 X 3’ because it also delivered three lashes at a time. As he was known as a local activists and because he was bleeding profusely, the soldiers decided to free Jordan de Almeida Manuel, on condition that he paid them US\$50. An escort of two soldiers took him home to collect the money. Needless to say, there is absolutely no provision under Angolan law for the transfer of prisoners from a private security company to the army for the purpose of carrying out torture.

116 As a general rule, people say Tximango is part of Cafunfo since they are not aware of the administrative division between the municipalities of Cuango and Xá-Muteba. The former is on the left bank of the river Cuango, while the latter is on the right. In turn, though it houses more than two thirds of the 150 thousand residents of the Cuango municipality, the locality of Cafunfo has no administrative standing, and is managed remotely from the municipal centre of Cuango, more than 50 kilometers away.

Two weeks later, Jordan de Almeida Manuel moved to Luanda, where he gave interviews to *Novo Jornal*, and Rádio Ecclésia. He also gave an account of his experience to law students at the Methodist University. As ever, the authorities said and did nothing in the face of his allegations.¹¹⁷

“When I read books on slavery and I see engravings on the way they beat the slaves, it reminds me of that day. I was a slave,” said the youth activist.

In its chapter dealing with citizens' rights, freedoms and fundamental guarantees, the Angolan Constitution enshrines for each individual (Art. 36, n°3, a) “the right not to be subject to any forms of violence by public or private entities.” In turn, the same law establishes “the right not to be tortured or treated or punished in cruel, inhuman or degrading fashion” (Art. 36, n°3, b). The Constitution repeatedly prohibits torture and degrading treatment in the following terms: “Nobody may be subjected to torture, to forced labor, or to inhuman or degrading treatment or cruel punishment,” (Art° 60).

Further, according to the Constitution (Art° 75, no. 1), which holds the State and other collective public entities accountable for their actions, the acts above described are imputable to the State, in particular to the leadership of the FAA, and also to the management of Teleservice and its shareholder group. In other words, there are no circumstances when it is acceptable for the state or its agents to use torture.

In reality, though, state-sponsored violence seems to be on the increase in Cuango. Many of the local youth, as well as many members of the farming community, routinely exhibit on their bodies the torture marks inflicted upon them by the above-mentioned forces.

For its part, the government continually makes enthusiastic promises to the people, all the while failing to deliver on them. In 2011, the Minister of the Interior guaranteed improvements to public order and the disarmament of private security companies that use military weapons¹¹⁸. Nothing changed.

117 Cfr. Neto, Flávio 2009.

118 Dinis, 2010., *Jornal de Angola*, 2010a.

In Cuango, Teleservice still has firepower far superior to that of the National Police. Diggers are subjected to cruel punishment, under threat from the army's weaponry during security patrols. Every year, top officials from the National Police promise change, in vain.

As the minister, Sebastião Martins says, in Angola "there is peace from war. There is still no social peace (...)". In the Cuango region, the war rages on - only now against the local communities.

CHAPTER IV – Two Paradigmatic Cases

Mass Grave: Miners Buried Alive

On December 5, 2009, an FAA patrol buried alive 45 alluvial diamond diggers who were working in a tunnel in the village of Cavuba, on the border between Luremo commune, 30 km north of Cafunfo, and Xá-Muteba municipality.

Linda Moisés da Rosa recounts how the soldiers told Cavuba's headman Ngana Katende, to order the miners' immediate withdrawal from the area, or face death. One of Da Rosa's sons was among the miners. She recounted what occurred immediately following the soldiers' order:

“My son Kito Eduardo António [the eldest] was there and told his brother to get out. Pereira [the youngest] said no, because he had collected gravel and first had to wash it. The soldiers arrived with crowbars, tore out the props supporting the entrance to the pit [started in the form of a tunnel] and caused it to cave in. A total of 45 miners were in there. They [the soldiers] left.”

“All 45 diggers died. The people were afraid to remove the bodies. Kito recovered his brother's body, that of Marco João, who was from Antenna village, where his mother lives; and that of a Congolese called Karinike, his friend.”

“I, personally, together with Marco's mother and a lot of people from Luremo, where many of the mothers have lost children, went to the police. They told us to take it up with the FAA. The soldiers from the unit beside Cafunfo hospital chased after us with their weapons pointed.”

In March 2010, during one of the research trips to Cuango, I recorded my conversation with Linda Moisés da Rosa, while accompanied by the editor of *The Wall Street Journal*, Michael Allen.

On my return to Luanda, I went to the Headquarters of General Staff of the FAA with the intention of informing the military leadership of the seriousness of the abuses committed by the army in Cuango. At the Headquarters I was directed me to the Division for Patriotic Education, just across the street, where I played Linda Moisés da Rosa's statement to members of the division's staff. They were horrified at what they heard, and noted my contact details in order to inform their superiors. I heard nothing further about any internal measures to investigate what had happened in Cavubo.

On April 3, 2010, the newspaper *Semanário Angolense* printed the contents of Linda Moisés da Rosa's testimony, while the FAA continued to ignore the case.¹¹⁹ The same happened when, on June 19, 2010, *The Wall Street Journal* published a long report entitled "In Angola the Blood Diamond resurfaces," which referred to the 45 miners buried alive by the FAA. The army did not even reply to requests for comments on the matter.¹²⁰

In turn, the Secretary of State for Human Rights, general António Bento Bembe, told the American journalist Michael Allen: "I know lots of these cases happen, and I know of many other cases you [the journalist] haven't heard about yet."¹²¹

In spite of his willingness to speak, the Secretary of State for Human Rights is a controversial figure. There is an international arrest warrant pending against Bembe on suspicion of terrorism. In 2005, the United States requested the assistance of Interpol to arrest Bembe, the then commander of the separatist guerrilla forces FLEC-Renovada, for allegedly kidnapping an American citizen in Cabinda in 1990.¹²²

The fact that the general retains his post reveals the level of high-handed arrogance of the government, as well as its failure to take any serious measure to respect human rights. Very much the same attitude exists in its dialog with the international community on the subject. Bembe is the country's leading representative to the international community on human rights issues.

119 *Semanário Angolense*, Abril 3rd 2010.

120 Mike Allen, 2010.

121 *Ibid.*

122 A source in the U.S. administration admitted that the Interpol arrest warrant requested by his country is still valid. He admitted that while the two countries share good bilateral relations, the Obama administration chooses to remain silent on the subject.

To be thorough, I contacted the spokesperson of the Provincial Government of Lunda-Norte, António Mussumari, several times, requesting an interview with the governor. I wanted to get the official version of the incidents covered here, especially Cavubo. Although the spokesperson was courteous, there was no official response to the request.

The MPLA, represented by the secretary of the Bureau for Political Information, Rui Falcão Pinto de Andrade, did grant my request for an interview on February 11, 2011. Also a National Assembly deputy, Pinto de Andrade took note of the accounts of the human rights abuses in Cuango and agreed to consult with his administration on possible measures to be taken. As supporting documentation, on February 14, 2011, I sent Pinto de Andrade, an e-mail detailing the large number of incidents attributed to the FAA. He did not reply.

The massacre committed by the FAA at Cavubo, and the other 54 cases, all duly identified and included in this report, by their sheer scale alone exceed any legal limitations. Article 47 of The Law on Military Crimes Law (Law no. 4/94) prohibits a soldier from carrying out acts of violence against defenseless civilians, including in wartime and during combat missions.

When all is said and done, combating illegal alluvial diamond digging and regulating the development of legal informal digging in no way confers on the army the power to murder defenseless, peace-loving citizens. This is exactly what happened to the diggers buried alive at Cavubo.

Meanwhile, the current Constitution holds the State responsible (Art. 75, 1st) for acts such as those described above, under the following terms:

“The State and other collective public entities are jointly, severally and civilly liable for actions and omissions practiced by their bodies, respective titular holders, agents and employees, in the exercise of the legislative, jurisdictional and administrative functions, or because of them, that which results in violation of the rights, freedoms and guarantees or prejudice to the holders of these entitlements or to third parties.”

In an article published months before the Cavubo massacre, the presiding judge of the Supreme Military Tribunal, general António dos Santos Neto extols to the virtues of military justice in Angola:

“For besides being an efficient justice it is also a preventive justice, in the equal measure as the crime is often forestalled by visiting units classified with higher criminality indices, for “in loco” administration through lectures, practical examples, explanations on laws and other activities of legal scope, to instill in the military staff a culture of respect for the laws in force in the country and, in particular, the military laws and the FAA’s operational regulations to ensure combat cohesiveness and defense of the Homeland.”¹²³

In reality, as far as the diamond-bearing areas are concerned, the military chief justice’s rethoric amounts to nothing but an empty promise.

In Cuango, as a reaction to the barbaric and delinquent behavior displayed by the FAA, young people now commonly consider the army to be a militia. In many of the statements recorded, people often refer to soldiers as the “FAA militia”.

Teleservice: Death by Machete

On February 5, 2010, Linda Moisés da Rosa lost her second son, Kito Eduardo António, when he was 33 years old. He was killed in his hometown of Cafunfo, by a Teleservice guard, who slashed him to death with a machete.

The mother explained what happened. Having noticed that her son had failed to return from work with his fellow diggers, she decided to look for him, accompanied by members of the family. They were unsuccessful.

The following day, Kito’s workmates, identified only as Russo, Fezadeiro and Smith, who had formed a digging group between them, “came to the neighborhood and told the truth about how Kito died,” recounted Linda Moisés da Rosa.

123 Neto, 2009.

According to the mother, and backed up by statements from eyewitnesses, the Teleservice guards became angry with Kito because he had no money to pay them for access to the digging pit, but he kept on washing gravel so that he could make his payment afterwards. Linda Moises de Rosa described how:

“They killed him with a machete stroke to the nape of the neck, another to the forehead and a third to the right side of his face. Then they just threw his body in the river Cuango. The Teleservice [guards] are used to getting money from the diggers (...) and the Teleservice guards allow them to remove gravel from the sluices. Kito didn't have the money. He asked to wash the gravel and pay later. But they just killed the poor fellow.”

The mother explained that, in order to buy the other diggers' silence and complicity, the Teleservice security personnel “gave four buckets of gravel to the boys [Russo, Fezadeiro and Smith]. The guards told them that the gravel was to ensure that the truth didn't come out.”

Members of Kito's family and workmates went together to the sluicing area of Dunge mine, near Pone, the scene of the crime. “The boys [survivors] live in Pone and they went with me to the Teleservice post, in the sluicing area where my son died,” said the mother. “They [the Teleservice guards] asked me what was I doing there. I explained that I was looking for the body of my son who they had killed.”

Linda Moisés da Rosa recounted how the guards invited her into their camp and sat down with her in their cabin. They informed her that they were simply following orders from above and took her to the industrial washing area where the diggers had been collecting gravel.

“They [the Teleservice guards] made a call to the Tximbulaji command post. Their manager ordered the security guards to go with me to the edge of the river to search for the body.”

Having searched for hours, and because it was getting dark and they were all tired, the family and guards returned to the cabin. When the guards announced that they had done their duty, Linda Moisés da Rosa decided to stay in the cabin. “I said that I would not leave there without seeing my son's body. Then, the foreman authorized the guards to grant me five days to locate the body.”

According to the mother, “on the third day of the search, the guards told me that they had been following orders. It was an ordered mission. They said, ‘if we don't kill, the government will say that we made an arrangement with the diggers to share the money [from the digging]’.”

Linda Moisés da Rosa confirmed she personally informed the police of her tragedy. She found out later that the police were already aware of the incident and that they considered her son and all other diggers to blame for their own deaths. In addition to the police, the mother also contacted the local authorities, and reported that these authorities said they were powerless to do anything about it because they were only ‘following orders.’

In response, Linda Moisés da Rosa narrated the following:

“I said, that’s just great! So, who will the government govern if it is killing off the young people? They answered that the government doesn't recognize us [Tchokwé people]. ‘When they say the people, they don’t mean you [Tchokwé people]. The government doesn’t consider you relevant. The government only considers people from outside. Not you!’ We don't know who we are now. We were born here. The river of the diamonds is here, in our land, where I gave birth to my son. The water my Kito drank came from the Rio Kuango. It is the water I bathed him in. The foreigners take all the diamonds. Our sons cannot benefit from the diamonds, they are dead. The Teleservice [guards] told me: ‘Your son is a Mr. Nobody’. They said that I am a nobody in society and that my son is no loss to Angola.”

On March 4, 2011, Teleservice general management held a meeting with me. We had an open and cordial discussion on human rights, but *off-the-record*, at the company’s request. Finally, at my request, on the same day, Linda Moisés da Rosa was allowed to

give a direct account of her family's tragedy to Valentim Muachaleca, the general manager of Teleservice. He asked her to give a written account of what had happened, and scheduled another meeting. On March 8, 2011, I sent him an email with a detailed report of the Dunge case. For the sake of transparency and to try to put an end to these acts of violence, I included accounts of most of the other incidents involving Teleservice. I did not get a reply. The following day, Muachaleca spoke to Linda Moisés da Rosa.

Linda Moisés da Rosa recalled that “he said that the diggers kill each other and that his company has nothing to do with it.”

Besides being violent crimes, murders such as that of Kito Eduardo António in no way benefit the government in its fight against illegal diamond digging. This case, and those described in Chapter 7, clearly illustrate that Teleservice personnel in Cuango control access to mining areas for personal gain. Through extortion and corrupt dealings, they frequently use violence to sell access to digging areas twice or three times over, chasing off diggers who have already paid and substituting them with new clients, demanding a fresh round of payments.

From a legal point of view, the law on Private Security Companies (Law 19/92), prohibits such companies from dispensing justice, such as criminal investigation and proceedings of any sort (Art. 4, 1, a), and also prohibits “the installation of security systems liable to endanger, either directly or indirectly, the life or physical integrity of the individual” (Art. 4, 1, b).

In turn, the Diamond Law (Law 16/94 of October 7), specifically confers on concession holders and their private security service providers, the duty to “take into preventive custody those caught *in flagrante delicto* committing a crime under present law” (Art. 2, c), i.e., diggers. The same law states that, immediately, “the detainees and their possessions should be delivered to the Public Prosecutor, or to the National Police station closest to the location where the arrest was made, under the terms and conditions of Article 9 of Law 18-A/92 of July 17” (Art. 4). The Diamond Law also emphasises that “(...) personnel employed by companies specializing in security ought to adopt the most scrupulous respect for the legitimate rights of citizens and legal dispositions in force” (Art. 26).

The incidents recorded in this report reveal, without a shadow of a doubt, that Teleservice is in violation of current legislation, since they do not hand over diggers to the National Police, but rather torture them, subject them to forced labor, and in some cases, even murder them, thereby placing themselves above the law, and enjoying total impunity in the process. The Angolan Constitution prohibits the death penalty (art. 59). However, Teleservice employees, with the greatest of ease, arbitrarily sentence diggers to death and carry out the executions, either by shooting them or hacking them to death with machetes.

CHAPTER V – Maintaining Social Exclusion and the Worsening of Poverty

The Isolation of Ngonga Ngola, Tximbulagi and the politicians' road

"We are in a cage here."

Lourenço Xamuangala,
traditional deputy-chief of Ngonga Ngola

There are two isolated communities in the SMC concession area: the villages of Ngonga Ngola and Tximbulagi. The roads that pass through these communities and surrounding areas have been privatized, and local communities, as well as any citizen not authorized by the company, are forbidden to use them.

In order to travel, the only available alternative to these communities is to cross the Cuango River with the assistance of a floating device, in an area of strong river currents. A rope tied to a tree on each bank of the river allows the 'boatman' to float from one bank to the other and back again, while he stands, pulling the rope. A small buoy, which should really accommodate up to four people, normally carries eight individuals, plus the boatman, making the trip a true life-threatening endeavor. Most people do not know how to swim.

According to the locals, the crossing point was chosen because it's an area free of crocodiles that can easily deflate the raft with their teeth and attack the passengers.

The round trip, from Cafunfo to Ngonga Ngola and back, costs a fortune that can only be paid through earnings from mining. The crossing of the river, as described here, costs the equivalent of US \$10. The trip from the town of Cafunfo to the riverbank on a motorbike costs US \$10. From the other bank to the town of Ngonga Ngola, the trip costs US \$6. To this total of US \$26, passengers need to add the costs of extortion by the Teleservice guards, who have set up check points on both banks of the river and who arbitrarily control the movement of people and goods in both directions.

"We were free to use this road that connects [the municipal headquarters of]

Cuango to Cafunfo and passes through Ngonga Ngola. It was a public road. The problems started when ITM Mining moved here and privatized the road,” says the traditional deputy-chief of Ngonga Ngola, Lourenço Xamuangala. According to him “we are in a cage here. The company only allows the [Ngonga Ngola] *soba* (local chief) to use the road. Is that democracy? We can only ride our bikes and motorbikes in town. We can’t get out. These SMC rascals prohibit us from moving around.”

Humiliated and isolated, both by the local state administration and by the company, the local communities have on several occasions modestly requested a proper floating device that would allow them to make the river crossing.

On January 6, 2010, the SMC director of operations, Mike Weir, formally refused to provide a floating device to the local communities. In a letter sent to the local administration, he acknowledged the danger involved in the river crossing, the only transportation route allowed in the area controlled by his company. “Alternatively, we offer the possibility to use our roads, in terms to be defined by our industrial security services,”¹²⁴ he said.

According to Deputy-Traditional Chief Xamuangala, Mike Weir, with the full support of the local government, ignored the offer made in his own letter and maintained the order to allow only the *soba* to travel around freely. “After this promise, ITM Mining gave us a small raft that only fits two people. We don’t even use it. We, the local chiefs, bought the floating device for the river crossing,” he added.

According to the traditional chief Muanangola, “the Cuango administration never wants to address the problems of the people. We have already complained so much. No one hears us.” He underlines the fact that Teleservice guards have come to impose a rule according to which anyone crossing their check points with more than 20,000 kwanzas (US \$200) is forced to leave all their money with the guards. “They say these are superior orders,” he complains. “Boss Nelson [from Teleservice’s Katewe station, on one of the river crossing banks] is stripping down the population. As soon as you turned away [referring to my visit] the situation worsened. They [the Teleservice security guards] say

¹²⁴ SMC correspondence, Ref. 0457- CGO/MW/IV/10.

that the people have to suffer and that we cannot carry cash, by company orders,” complains the chief.

The Constitution of the Republic of Angola (Art. 46, 1) allows restrictions on freedom of movement in cases involving vital national interests, such as the Lundas diamond region. However, national vital interests cannot override human dignity. The driving ban on public roads located in a restricted zone should only occur according to the rules defined by the Diamond Law. According to this law “it is up to the concessionaire to build, at its own expense and according to the plan set forth by the competent authorities, alternative infrastructures besides the public roads and paths that pass through a restricted zone” (Art. 14, 3. °). Therefore, SMC's actions constitute a serious and systematic violation of the law and of the basic rights of the local populations.

While their daily lives are subject to severe restrictions in the name of the national interest, the populations of Ngonga Ngola are exploited by private security guards. “I myself, a local chief, paid US\$100 to one of the supervisors of Teleservice, in the Catetomuna check point, as a sponsor,”¹²⁵ says the traditional deputy-chief Xamuangala.

“They receive the money, but when their lovers show up and they need more money, they blackmail the miners,” the deputy-chief says. After he made the payment, the Teleservice guards tried to extort more money from the group working with the deputy-chief. According to him, because the group had no more money to make a second payment, the guards took the men into custody. Two miners escaped and two others were imprisoned. “They didn’t beat us because we are older. They took us to the Municipal Command of the National Police in Cuango and they put us in jail without any hearing. We were left in the cells for 13 days without any food,” explains Ezaquiel Muana Muata, 55 years old, one of the detainees.

¹²⁵ The term “sponsor” is used to describe the individual who finances the activity of organized mining. Certain mining areas require continuous excavation work lasting more than six months and it is up to the sponsor to secure that the workers get basic food supplies, work tools and medicine during this period. The sponsor should attend the collection and processing of the gravel, during which the diamond stones are selected and picked out. In general, the sponsor is entitled to 50 percent of the value of the diamonds found, while traditional authorities or the defense and security forces associated with the mining scheme retain 25 percent. The remaining 25 percent is divided among the workers.

According to him, the detainees received a judicial hearing only on the day they were released. “The prosecutor [Carlos A. Vungula] asked us only why the local chief did not choose another area for us to mine and then he let us go,” he concludes.

During my multiple visits to the area in the last five years I have seen several overturned trucks in the Vuka corridor, an extension of 10 kilometers (six miles) connecting the Cuango municipal center to Cafunfo. This road, about 50 kilometers (31 miles) long, is the public route that connects the rest of the country to Cafunfo, the most populated town of the municipality, with over 100,000 inhabitants. Food supplies and other goods are routinely retrieved from the wreckage of the trucks. On my last visit, on February 19, 2011, the scene was repeated. A refrigerated truck carrying perishable freight, flipped over after trying to get around a large pothole. These huge potholes, as well as road erosion, are a challenge to the skills of the drivers of heavy vehicles, thus isolating the area further and exacerbating the cost of living in Cafunfo.

I have questioned both the local and the central government authorities about the condition of this road since 2004. One basic solution to improve the road’s condition would be to do some earthmoving work. The diamond companies operating in Cuango have enough equipment and they could supply an excavator, for example, in order to improve the road’s condition and thus contribute to reducing the recurring truck accidents.

During the most productive years, the Cuango diamond industry turns an annual profit of US\$ 300 million. Its young population is mostly unemployed but highly specialized, due to its experience in mining, earth excavations, stone quarrying and leveling of hard surfaces. Alternatively, the local authorities could employ the miners in road repair work. Both solutions, involving only minimal costs, have been ignored.

Meanwhile, the alternative dirt road that connects the Cuango municipal headquarters to Cafunfo continues to be off-limits to the local population, being used exclusively by the local and central administration representatives and VIP visitors. This road is now known as “the politicians’ road”.

This situation belies public statements by Provincial Governor Ernesto Muangala

underlining the importance of road rehabilitation to ensure, in particular, the expeditious movement of people and goods. “Right now, for us, the priority is the national roads, as well as the tertiary and secondary roads and bridges,” the governor promised.¹²⁶ He also highlights the importance of Road 225, which passes through Cuango, for the transport of food supplies and construction materials. He uses the figure of José Eduardo dos Santos to claim that the President, whom he serves with zeal, abides by the principle formulated by Angola’s founding President Agostinho Neto, according to which “the most important is to solve the problems of the people.”¹²⁷ But official propaganda does not feed the people of Cuango.

The Destruction of Subsistence Agriculture

The official authorities and the diamond companies in Cuango have implemented measures intended to drive the local populations away. Not only have they persecuted the miners (being complicit in torture, murder and extortion) and made the free movement of people and goods nearly impossible, but they have also sought to drive subsistence agriculture to extinction. Imposing a situation of food scarcity upon the isolated communities in Cafunfo, who have always depended on subsistence farming for their survival, is yet another of the central government’s strategies for the region. In 2007, SMC, with the approval of Cuango’s municipal administration, destroyed overnight the agricultural fields of Cafunfo as a land expropriation measure.

The report “Harvesting Hunger in Angola's Diamond Fields” details this process of agricultural land destruction and expropriation in the context of current legislation, government policies, social responsibility principles and business ethics.¹²⁸

SMC paid the expropriated peasants the final amount of US\$ 0.25 per square meter – an amount that is not enough to buy even a small loaf of bread in the local market.¹²⁹ Since then, the survival of the Cafunfo communities became even more precarious.

¹²⁶ Pedro, 2010.

¹²⁷ Angop, September 18, 2010.

¹²⁸ Marques, 2008.

¹²⁹ Ibid.

Yet the Diamond Law (Art. 20, 2) requires companies to fairly compensate farmers and shop owners for damages arising from the companies' actions in the restricted and reserved areas. Moreover, from a legal point of view, the local communities have the right to farm and raise livestock in the reserved diamond areas (Law No. 17/94, Art. 14, 2). However, this right has been arbitrarily denied to local communities by SMC, with the support of local representatives of the central government. Contrary to what is established by law, neither the government nor companies such as SMC comply with their obligation to mark concession and reserved areas. Such demarcations would allow peasants to claim fair compensation for their farming fields if these lands were fenced, as established by law. The informality with which boundaries between concessions, public areas and private land are established creates a climate that facilitates abuses of power.

At the same time, peasants whose lands have remained intact have been victims of torture by Teleservice. That is the case of Romeu Luzolo Txabua, 47 years old, who spent a night with a noose around his neck, tied up in one of Teleservice's observation posts. The scars from this "attempted hanging", due to his "stubbornness" in continuing to farm his land, are still visible today.

In August 2010, ITM Mining, the operator of Project Calonda,¹³⁰ continued its practice of destroying local livelihoods when it dug up the fields of nearly 700 farmers in the municipality of Lucapa, in Lunda-Norte, driving them to absolute destitution.¹³¹ Consistent with its usual neo-colonial attitude, the company paid the Lucapa peasants the same value it paid the farmers of Cuango: US\$ 0.25 per square meter. In Lucapa, unlike Cuango, the company forced the peasants to come to its offices to sign receipts, thus preventing them from keeping copies of the expropriation records.

In an interview published in *Jornal de Angola*, Governor Ernesto Muangala set 2009 as the agricultural year in the Lunda-Norte province. He defined agriculture as "the priority of priorities" of his government, in order to ensure "food self-sufficiency as a means to combat poverty and a way towards sustainable development." But to this day, the only

¹³⁰ The Calonda Project is a partnership between the Sociedade Mineira do Lucapa (SML), which holds 50 percent of the shares, and Lumanhe and ITM Mining, which holds the other half. Endiama holds 51 percent of SML, while the Portuguese government holds the remaining 49 percent.

¹³¹ As a result of the courtesy of the local community, the author was able to access the lists of peasants expropriated by the Project Calonda, detailing the values paid to each one.

measures taken in this regard, especially in Cuango, were the governor's empty words.

In the same interview, the governor indicates, as an example of progress, a water supply system in Cuango, including the Luremo commune. During our visits to Cuango, we could not find any signs of such a water supply project. In Cafunfo there is only one motorized pump that draws water through a small dam made of sandbags. The engine is used merely for show in successive official ceremonies, repeated year after year and broadcast on national television. The same is true for the production and supply of electrical power, which exists only in the official discourse propagated in the capital and abroad.¹³²

In his interview, the governor announced confidently that “since independence and peace have been achieved, we have now the appropriate conditions to turn Lunda-Norte, in the medium term, into one of the country's main bread-baskets.”¹³³ But in practice, the official policies against poverty in Cuango have turned out in fact to be measures against the poor, as many citizens have witnessed.

To better understand the culture of repression against the most disadvantaged sectors of the population during the 35 years that the MPLA has been in power, it is necessary to look at the paradigmatic case of street vendors. *Zungueiras*, as they are called, are usually women engaged in street vending in Luanda, selling fruits, *quitutes*, and other goods, due to lack of formal employment opportunities. There are daily reports of physical attacks on *zungueiras*, some even resulting in death, at the hands of National Police officers and government inspectors.

In an article published on January 24, 2011, Dinis Pereira, head reporter for *Jornal de Angola*, wrote:

“Nowadays *zungueiras*, the heirs of Luanda's street greengrocers (*quintandeiras*), have lost the sense of cleanliness and hygiene. Some of them commit true assaults on public health. Consumers accept these situations. But the surveillance agents combat these situations and with good reason. There can be no hesitation towards those who threaten

¹³² Angop, April 23, 2010.

¹³³ Bengui, 2009.

public health, even if it doesn't come easy to repress those who have such a precarious life."¹³⁴

Jornal de Angola, the only daily newspaper in the country and the unofficial voice of the regime, thus condones acts of violence by police officers and government inspectors against these women, ignoring the law.

¹³⁴ Dinis, 2011.

CHAPTER VI – Human Rights Violations Cases

The Crimes of the Angolan Armed Forces

Case 1

Victim: Paizinho Armando Ngongolo (28 years' old), born in Cuilo municipality, Lunda-Norte province.¹³⁵

Date: October 12 2010

Place: Kahamba, Weji, Cuango commune

Account of events: A FAA patrol captured Paizinho Armando Ngongolo while he was at work, digging for diamonds. A soldier shot him in the thoracic region and he died. Diggers who witnessed the incident said that the perpetrator had detained the victim in and around Txicuele and Camingongo on previous occasions. According to testimony from friends of the victim, the soldier, who was angry, had announced the previous day that he would shoot Ngongolo for being 'so stubborn'. Witnesses said that when the soldier was taking aim, another soldier ran to help the victim, but it was too late.

Case 2

Victims: Zeferino Calongo (26 years' old), born in Capenda Camulemba municipality, Lunda-Norte province, and two citizens from the Democratic Republic of the Congo, whose identities could not be established.

Date: July 8, 2010

Place: Tximango¹³⁶, Xá-Muteba municipality

Account of events:

According to local witnesses and family members, an FAA patrol killed the three

135 As a criteria, the names, age and place of birth of the victims are revealed, to the extent possible, for better identification, and to facilitate any eventual investigation by the authorities. This data enables, in the absence of postal addresses, and due to the mobility of many artisanal miners, to reach out to them through next of kins in the communities they came from or became part of. In some cases, the informants only disclosed their names, thus limiting the scope of their identification. In other cases, colleagues only revealed the names of those they worked with for they either did not know or were unsure about their dates of birth or birthplace.

136 In the Tchokwé language, Tximango, means 'the safe'. The elders have given such a name to the area for being one of the most profitable in the extraction of diamonds since the early days of mining.

diggers one morning while they were at work. Other diggers and villagers buried the two foreign victims there, while the body of Zeferino Calongo was taken to the village of Cafunfo for burial.

Case 3

Victim: Serafim Knijikueny (39 years' old), born in Kahemba, Democratic Republic of the Congo.

Date: 19 June 2010

Place: Kahamba

Account of events:

For two weeks, a group of six Congolese citizens had been working in the artisanal diamond area of Kahamba. Upon finishing the food they had brought with them to the site, four members of the group (Pisehu, Txoje, Sailo and Mapuna) continued working while Nairobi Mahome and Serafim Knijikueny went to the nearby settlement to ask their boss for food.

At about 7pm, a FAA patrol stopped the two men on the road. The two were made to climb up into the Kamaz army lorry. When Serafim Knijikueny complained about the inconvenience, the soldiers at the back of the truck amused themselves by beating him with truncheons and an electric cable. He died on the road as they headed for the Congolese border.

Case 4

Victim: Bonifácio Muanguza

Date: February 7, 2010

Place: Tximango, Xá-Muteba municipality

Account of events:

On February 7, 2010, the body of Bonifácio Muanguza was found in the Tximango diamond area. Forensic photographs show a machete wound to the head and extensive burns covering the majority of his body. In the preceding days, members of Teleservice and the Angolan Armed Forces had combed the area in several patrols. Teleservice, the National Police Criminal Investigation Unit's local branch, and the Cafunfo Hospital arranged for the burial of the victim.

Case 5

Victim: Nine unidentified artisanal miners

Date: December 9, 2009

Place: Tximango, Xá-Muteba municipality

Account of events:

At around 8am in the morning, at the edge of the village of Tximango, there was a heavy burst of gunfire from FAA soldiers. According to several accounts from the villagers, the soldiers shot and killed nine diggers. The same witnesses state that the soldiers took the bodies and unceremoniously threw them into the river Cuango.

Several villagers helped to pull the bodies from the water, and prominent members of the local Evangelical (IEIA) and Pentecostal churches were called to be informed of the murders. The Christian elders, including one leader who agreed to be interviewed, went on to bury the victims, who remain unidentified.

Torture and Extortion

Victims: Calé Sambolongo, (32 years' old), from the Democratic Republic of the Congo and Mualuquessa Cassexi

Date: March 4, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

Diggers had had reports of a FAA soldier, known as Peregrino (the Pilgrim), who liked to patrol the artisanal mining sites alone, armed with an AK-47 and a machete. At around midday, the soldier suddenly appeared in front of two diggers panning gravel.

“He told us to carry on working. He said he wouldn’t beat us if we shared the diamonds with him. Peregrino spent the whole afternoon supervising the panning operation,” explained one of the diggers, Mualuquessa Cassexi.

According to Cassexi, by the end of the afternoon, they still hadn’t found any diamonds. This really irritated the soldier.

“He said: ‘Since you haven’t given me any diamonds, I’m going to teach you a lesson in respect for government orders,’” the digger recalled.

Cassexi stated that the soldier started to smack the diggers on the head with the flat side of the machete, while they were still in the pit washing gravel.

In order to overcome the absence of any colleague to keep watch during the torture session, Cassexi explained that Peregrino devised a new method. He ordered Calé Sambolongo to lie down on the ground, and Cassexi to lie on top of his fellow digger. “Then he hit me 35 times with the [side of the] machete on the buttocks and 15 times on the palm of each hand”, explained Cassexi, who added that the soldier ordered the diggers to swap places, and treated Calé Sambolongo to the same punishment.

Dissatisfied with the victims’ protests, soldier Peregrino forced them to drink a lot of muddy water. “He then asked us if we were full. We said yes”, sobbed Cassexi as he recounted what happened, stressing that he kept protesting about the humiliating treatment they were being put through and vowed to make a complaint to local political opposition parties. “Because I said that, he hit me with the machete another 15 times on the buttocks and back,” he tells.

Case 7

Victims: Fidel Catembwé, 38 years’ old, born in Cuango municipality, Lunda-Norte province; Saufuco Moisés, Borrês Suede, António Wanonga, Gabriel Jacinto and David Vasco

Date: March 2, 2011

Place: Ngonga-Ngola, Xá-Muteba municipality

Account of events:

At around 8.00 am, three FAA soldiers encountered the above *garimpeiros* while they were working. According to Fidel Catembwé, the group saw that Peregrino was one of the soldiers. They had met with him on previous occasions.

“Peregrino personally tortured us with the side of his machete. We each received 12 blows to the palms of the hands, 20 to the buttocks, 30 to the soles of the feet and 10 to the back”, explained Catembwé.

During the interview with Catembwé, it emerged that the soldiers forced their victims to take off all their clothes and perform physical exercises completely naked. “We had to do press-ups and lift heavy stones”, stated the digger.

“Then, they ordered us to get into the pit where we wash gravel, to make us bathe in mud,” continued. Catembwé then stated that one of the soldiers later lit a bonfire and demanded that the diggers dry their muddy bodies by jumping naked around the flames.

The soldiers decided to keep their prisoners a while longer. According to Catembwé, they promised to release them as soon as they had “hunted” more diggers. And that’s exactly how it went: two diggers captured later also experienced torture by machete.

Case 8

Victims: Pacheco André (49 years’ old), Ernesto Kenda (34 years’ old), both born in Caungula municipality, Lunda-Norte province

Date: February 26, 2011

Place: Tchiombo, Cuango commune

Account of events: At midnight, four FAA soldiers took the diggers prisoner while they were working. According to Pacheco André, who showed his wound as evidence, one of the soldiers stabbed him in the left arm. After this, all the soldiers attacked the young man, beating him with the handles of shovels, hitting him with the butts of their rifles, and kicking him.

Ernesto Kenda complained that the soldiers repeatedly cudgelled him around the chest area and shoulders. One of the soldiers struck him with a machete in the right foot, causing him serious injury.

Case 9

Victim: José Muacaheno Ximbucanga (25 years’ old), born in Cuango municipality, Lunda-Norte province

Date: February 25, 2011

Place: Txissueia, Cuango commune

Account of events:

The digger explained how police officers, from the Cuango Municipal Command, set up two tents in the Txissueia digging area in order to monitor alleged illegal operations more closely. “There were about ten groups¹³⁷ of diggers, and each group paid two thousand kwanzas [US\$20] to the police officers,” recalled José Muacaheno Ximbucanga.

According to Ximbucanga, although they had been paid, the police officers then “decided to supervise the gravel panning so that they could claim half of the diamonds found.”

137 On average, groups are made up of 4 to 6 men.

Because he protested against the sudden “partnership” decision invented by the agents of law and order, the digger was whipped around the head with an electric cable, wounding him and causing inflammation to the right side of his head.

The police then proceeded to confiscate all the digging equipment, which they stored under guard in one of the tents. “All the groups had to pay another two thousand kwanzas to get their equipment back”, Ximbucanga alleged.

Case 10

Victim: Adão Manaças (28 years’ old), born in Capenda-Camulemba municipality, Lunda-Norte province

Date: February 24, 2011

Place: Tchiombo, Cuango commune

Account of events:

After midnight, a mixed patrol, composed of five FAA soldiers, four agents from the National Police and two guards from Alfa-5, a private company, gathered all the digging groups working in the area together in order to identify their clients, that is, the groups of diggers they ‘controlled.’

“The groups which were not under their control were all forced to pay two thousand kwanzas”, explains Adão Manaças.

According to the digger, one of the FAA soldiers, identified as Viti, demanded that those diggers “without a contract” hand over all their digging material to the groups under his control.

Adão Manaças was one of several who objected to this arbitrary measure. The mixed patrol then took him and a soldier beat him with the handle of a shovel. According to his statement, because he was deemed a “rebel”, another FAA soldier struck him on the foot with a machete. “I was trying to dodge (the blow), and the blade caught me on the big toe of the right foot. It cut a vein, and I had to have stitches,” Manaças recounted.

Case 11

Victims: Oriano Jorge (36 years’ old), born in Caungula municipality Lunda-Norte province, and three unidentified artisanal miners

Date: February 4, 2011

Place: Kamikondo, Cafunfo, Cuango municipality

Account of events:

During the night, a patrol of FAA soldiers surprised four diggers having a conversation in a tent. “One of the soldiers told us that if we had money we could pay to avoid being tortured”, revealed Oriano Jorge, whom the group had elected as their spokesman. “I explained that we had no money because we had just started digging and couldn’t pay”.

According to Oriano Jorge, the patrol leader ordered the diggers, at the point of their Kalashnikovs, to lie down on the ground one at a time to receive their punishment.

“Those troops are brutal. They tortured us by beating us on the back and buttocks with the handle of a shovel. They only stopped when they got tired themselves,” Jorge added.

At the end of the sadistic session, the victim explained that the soldiers left the area, having burned all the diggers’ belongings. These men, unable to continue with their work, and crippled with pain, decided to have done with digging and returned to their homes.

Oriano Jorge spent four days in bed, with no access to medication or medical attention. “As soon as my body heals, I’ll go back digging. There’s nothing else to do here. We have to survive. Next time, I’ll have money to pay to FAA not to torture me,” concluded the digger.

Case 12

Victims: Júlio Francisco Armindo (39 years’ old), Adão Sozinho (42 years’ old), both born in Caungula municipality, Lunda-Norte province.

Date: January 30, 2011

Place: Kamikondo, Cafunfo, Cuango municipality

Account of events:

Júlio Francisco Armindo, Adão Sozinho, João Miguel, Alfredo Armindo and Adão João were digging in Kamikondo. Around 4pm, the group was surrounded by a mixed patrol of 19 men from the Angolan Armed Forces (FAA), Teleservice and the Angolan National Police. While Alfredo Armindo managed to escape, Adão João fell into a pit while attempting to flee and remained there shouting for help. Adão Sozinho fell into another pit, sustaining minor injuries, and was subsequently captured. Júlio Francisco Armindo was captured separately by the patrol.

“A FAA soldier slapped me hard nine times in the face, and hit my hands with the blade of a spade,” Júlio said. “A Teleservice guard told the FAA soldier that he didn’t

know how to ‘educate’ the *garimpeiros*, and asked for a stick to demonstrate the proper way.” As part of his ‘lesson,’ Júlio added, the Teleservice guard “told the soldier to stamp on my head while the other Teleservice guard sat on my legs. The guard used the stick to beat my buttocks until they were swollen. It was a severe act of violence.” Julio also recounted that the stick was wet as a result of the falling rain, which made the pain from the beating much more severe.

After this ‘lesson’ the instructor and his apprentice meted the same punishment to Adão Sozinho. “They tortured him on the buttocks and on the hands with the blade of the spade. They took no pity on him for having already been injured while he was trying to run away. They beat him until he was really swollen,” Júlio said.

“After giving us this severe beating, they gave us permission to rescue Adão João, who was groaning in pain at the bottom of a pit nearby, his right leg fractured and bleeding profusely.” The patrol ordered the *garimpeiros* to take the injured man to the hospital, yet continued to beat them as they went on their way.

According to Júlio, the members of the National Police who were present refused to take part in the acts of torture.

Case 13

Victims: Paulão Jorge Muquinje (32 years’ old) Félix Jorge Muquinje (38 years’ old) both born in Cuango municipality; Pelito Fernando, (27 years’ old) and Júlio Samuhanga, (37 years’ old) both born in Caungula municipality, Lunda-Norte province

Date: January 18, 2011

Place: Antena, Ngonga Ngola, Xá-Muteba municipality

Account of events:

Paulão Jorge Muquinje related how two FAA soldiers transformed a digging pit into an arena for their sadistic entertainment. Four miners were forced, at gunpoint, to fight and head-butt each other, for the amusement of their captors.

The digger went on to say that the soldiers demanded that they hand over all their clothes. “They burned all our clothes.”

“Then they made us lie face down and beat us with machetes. Each of us was struck 30 times [on the back], 10 on the buttocks, 40 on the palms of the hands and 20 on the soles of the feet,” says Muquinje.

The same group had fallen prey to Teleservice operatives the previous week (Case 76).

Case 14

Victims: Rocha Bernardo (25 years' old), born in Cuango; João António (26 years' old), born in Caungula municipality, Lunda-Norte province.

Date: January 15, 2011

Place: Ngonga Ngola, Xá-Muteba municipality

Account of events:

Rocha Bernardo and João António were part of a digging group organized by José Cambibi, brother of the local chief. The group also included João António and Lucas Walama. A group of three masked FAA soldiers moved in on the group around midnight.

“There were many soldiers in the area and they took many *garimpeiros*. They undressed us all, burned our clothes and herded us into the bush to torture us,” Cambimbi explained. Rocha Bernardo recounted how one of the soldiers used a thin, rigid stick from a mango tree to deliver 50 blows to his hands. “When I saw that my hands were becoming swollen I made a run for it and escaped,” he said.

João António was at the mercy of a more sadistic soldier who beat him on the back with a spade. “Then he took his military belt and beat me until I urinated in my pants,” João António said.

Lucas Walama, José Cambimbi and João António managed to get away but could still hear their companions' cries of pain. Some hours later, after the FAA had left, the three men went back to find the wounded and take them to local clinics.

Case 15

Victim: José Cassule (25 years' old), born in Camaxilo municipality, Lunda-Norte province.

Date: January 15, 2011

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

José Cassule, who had worked as a *garimpeiro* since the age of 16, considered himself lucky to have escaped the violence to which other artisanal miners were frequently subjected. His luck ran out shortly after 2.30pm that day when a FAA patrol, led by a captain named José, took him prisoner while he was digging.

“They made me kneel on the gravel and look straight at the sun for two hours,” he said.

Following this new method of torture ordered by the captain, Cassule was forced to remove his clothes and lie down, whereupon they repeatedly beat him with a cane. Then, Cassule said, “They beat me with a machete, ten times on the palm of each hand and on the sole of each foot and another 25 times on the buttocks. [The soldiers] ordered me to wash the gravel, but I said either they must kill me or let me go. I would not wash the gravel. I was hit a further five times on the palm of each hand and then they let me go,” he said.

Case 16

Victim: Figueira Muatxicuta, 20 years’ old, born in Caungula municipality, Lunda-Norte province

Date: January 12, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

A group of five diggers (including others identified only as Vasco, Mauricio, Henriques and Gingongo) teamed up with other groups in the area, and paid a ‘corruption tax’ of two thousand kwanzas to FAA operatives. Figueira Muatxicuta explained that the group representatives went regularly to the military post located in Antena to pay their ‘deposits.’

However, the tax offered them no protection. According to Figueira Muatxicuta, some of the FAA soldiers detained various groups and made them form a human circle for their entertainment. “Each group had to enter the circle and fight against each other. We were ordered at gunpoint to strip off all our clothes and fight naked,” the digger reveals.

“It was serious fighting, hard hitting with no sympathy for your friend (..) Those were the orders. When one group was finished fighting, the next group came in,” he said.

When the “fighting championship” was over, the diggers were ordered to leave the area.

In November 2010, Teleservice guards had arbitrarily attacked Figueira Muatxicuta’s group (Case 87).

Case 17

Victims: Novais Américo Xamulanguica (19 years' old); Tximuanga Félix (23 years' old); Txiwewe (24 years' old); Xadinho (20 years' old), all born in Caungula municipality

Date: January 2, 2011

Place: Ngonga Ngola, Xá-Muteba municipality

Account of events:

This group was treated no differently to the other five groups captured at the time, in spite of the fact that they were working for the ruling MPLA party's junior minister for Youth, Natália Simão, who had financed their digging operation.

Novais Américo Xamulanguica told how the FAA used one of the digging pits as an arena for staging fighting matches between their prisoners.

"We had to really fight each other. At that, after our fights, we all still got beaten with a shovel 15 times on the back and took 20 strokes of the side of a machete to the palms of our hands," explained the digger.

Novais Américo Xamulanguica and his companions testified that, during their ordeal, they witnessed the death of a digger known only as Lito. "One of the FAA soldiers hit him full force with a shovel in the neck and the guy ended up dying [on the way to Cafunfo]," he recalled trembling. Xamulanguica himself has repeatedly been the victim of acts of torture.

Case 18

Victims: James Almeida Manuel (36 years' old), Nelo Txiauana (38 years' old), both born in Caungula, Lunda-Norte province; Kito Armando (23 years' old), Óscar Cabral (28 years' old), Zidane Silva (28 years' old), all born in Cuílo municipality, Lunda-Norte province; Afonso Lutacki, born in Moxico province; Saíto and the brothers Gabriel and Alfredo Songo

Date: December 12, 2010

Place: Islet on the Cuango River, Domingos Vaz, Xá-Muteba municipality

Account of events:

At around 6.30am, as they were in the process of skinning an antelope (*paca*) that had been slaughtered close by, the group found themselves surrounded by seven FAA soldiers.

The soldiers went straight into action. "Sergeant Fininho, who was the troop commander, tortured me a hundred times with the handle of a shovel, on the soles of the

feet, 38 times on the buttocks and another 30 times on the palms of the hands”, recalled James Almeida Manuel, the group leader.

According to Manuel, another member of his team, Afonso, received the same punishment for arguing about his rights. Manuel told how sergeant Fininho, just to be condescending, reduced the dose of violence by half for “Paulo, the old man of 50.” The other diggers also ‘benefited’ by having their torture reduced by half.

Manuel asserted that sergeant Fininho ‘confiscated’ a batch of 48 *sengas*,¹³⁸ and ordered everyone to get into a pit. He placed three soldiers on guard, and went ‘hunting’ for diggers.

At lunchtime, “our guards made us cook our food for them. We prepared the *paca* with *funge* (cassava paste). They served themselves to lunch. Only the guy who actually cooked the food was allowed to eat. The rest of us went hungry,” explained the digger.

Having taken a total of 18 diggers prisoner, the soldiers made them walk back to their command post, which took over half an hour. According to Manuel, although the diggers were tied together by their shirts and trousers, four of them managed to escape.

The description of the military unit given by the diggers matches the types of camps set up by the FAA in the region (“stud and mud huts covered with canvas”). The best units consist of basic tents.

“At the unit, they made us lie face up, next to each other. They used us as steps . Each soldier stood on us, from the first to the last. The entire troop trampled over us,” Manuel narrated. Then, “all the troops did cart-wheels over our bodies. When they were finished torturing us, the lieutenant and his aide called me over, as the leader of the group. They made me go to the village to get money to ransom the others,” recalled Manuel. The FAA officers demanded the sum of US \$1,000 to free the prisoners. “I said it was impossible to arrange that much money, since we were from Cafunfo. I said I could get US\$500, and they agreed to this”.

Given the circumstances, the digger had to walk for about two hours, on swollen feet, to reach the village of Domingos Vaz. He knocked on his sponsor’s door, the well-known diamond dealer, Sarito do Bié, who gave him the money. The man then had to undertake the long walk back to rescue his companions.

“The FAA told us that if we wanted to work, we would have to cooperate with them. The next day, they showed up in the village and we all went to Sarito’s house to discuss terms,” recounted the victim.

138 Sengas are small, low-value diamonds.

“They (the soldiers under the command of lieutenant Duando) apologized to us. The sponsor explained that he had already paid the FAA patrol which had preceded the captors and they had promised to give a list of our names to the patrol relieving them,” Manuel explained.

In order to create what he thought was a more relaxed climate of cooperation, the FAA lieutenant gave back 5 of the 48 diamonds, according Manuel. “He said the rest would be sent to the commander [of the 75th Brigade] in Luzamba.”

James Almeida Manuel said that he was furious when the sponsor accepted the corrupt terms imposed by the military. He quit the group and went back home.

Case 19

Victim: Modesto Kapende (35 years’ old), born in Camaxilo municipality, Lunda-Norte province.

Date: September 24, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Modesto Kapende was engaged in *zolozolo* (diving for diamonds) in the River Cuango, in an area where more than 100 *garimpeiros* were prospecting. A patrol of 12 FAA soldiers arrived and ordered that all *garimpo* stop immediately. Kapende tried in vain to flee. He was captured and brought before a sergeant who ordered a new type of punishment. Kapende reported that the soldiers forced him to lie down, placed a bag of sand over his loins, and clubbed him on the head. He was bleeding profusely and, seemingly for this reason, was released.

Case 20

Victim: João Armindo Moisés (37 years’ old), born in Uíge province.

Date: September 18, 2010

Place: Kamikondo, Cafunfo, Cuango municipality

Account of events:

The *garimpeiros* Bony, Ernesto, Júnior, Kangamba, Novais and João Armindo Moisés were taking a lunch break from their work when a FAA patrol saw them. The group scattered except for their leader, João Armindo Moisés, who decided to talk to the soldiers.

The soldiers insisted that João Armindo Moisés hand over all the diamonds in the group's possession. When he replied that the group had not found any diamonds, the soldiers forced him to make a fire, then stripped off his shirt and ordered him to expose his body to the flames. "When I refused, they beat me on the back with electric cables and made me hold my hands close to the fire for five minutes, without taking them away," he said.

The soldiers then beat him on the palms of his hands with the handle of a spade, 50 times on each hand. They used the blade of a machete to beat him 50 times on the sole of each foot. Then, they left, leaving him alone.

Case 21

Victim: Vasco Ngonga (36 years' old), born in Kwanza Sul.

Date: September 10, 2010

Place: Kavuba, Luremo commune, Cuango municipality

Account of events:

While washing gravel in the morning, Vasco Ngonga was approached by a FAA patrol. He addressed the leader of the patrol by his name, Sergeant Adriano, and tried to remind him of an agreement made a month ago permitting him to prospect for diamonds.

Ngonga reported that the sergeant was furious at being addressed by name, and ordered his men to beat him as much as they wished. "They stamped on my chest many times, they beat me with the handle of a spade and with a machete all over my body, and kicked me in the head until I was bleeding from the mouth, nose and ears," he said. The soldiers seemingly halted the beating only when they saw how badly he was bleeding.

Case 22

Victims: Michael Kassua, born in Xá-Muteba municipality, Lunda-Norte Province; and Matondo Castro.

Date: August 22, 2010

Place: Kangau, Cafunfo, Cuango municipality

Account of events:

The *garimpeiros* felt safe about prospecting for diamonds after paying a US\$200 'tax' to two FAA soliders stationed in the Kangau area. In the middle of the morning, six

soldiers interrupted them, including the two soldiers who collected the ‘tax,’ and ordered them to stop work.

Matondo Castro reported that the soldiers ordered all the *garimpeiros* to leave immediately. “When we objected (because of the deal we had made with them), one of the soldiers stabbed me with a knife on the palm of my hand,” Kassua said. The soldiers then ordered them to remove their clothes, and set fire to them and other belongings, leaving Kassua to return to his village naked. Other soldiers beat their victims with rifle butts, and helped themselves to the group’s food.

Case 23

Victim: Walli Massua (30 years’ old), from the Democratic Republic of the Congo.

Date: August 12, 2010

Place: Kavuba, Luremo commune

Account of events:

Walli Massua called himself a “veteran of torture” at the hands of defense forces and private security operatives during the six years that he has been engaged in *garimpo* in the Lundas. Nevertheless, he still feared for his life when soldiers captured him while mining on August 12, 2010.

One of the soldiers used a freshly cut rod from a tree to beat him on the head until it became swollen. He was then beaten with the same rod 30 times on the palm of each hand and on the sole of each foot, and lashed a further 10 times on his buttocks.

At one point, the soldiers asked for his documents or about his migration status. Massua said that they eventually set him free.

Case 24

Victim: Nelito Suamoko António (30 years’ old), from Cuilo municipality, Lunda-Norte province.

Date: August 6, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

In the Vuka area around the River Cuango, *garimpeiros* and FAA soldiers have done business together in spite of the prevalent abuse that also occurs. Soldiers typically ‘supervise’ the washing of gravel. Around midday on the above date, Nelito Suamoko

António was on his way to wash gravel in the River Cuango when six FAA soldiers appeared.

According to Nelito Suamoko António, he found a stone that he reckoned to be eight carats. “The soldiers wanted to get their hands on the stone, and they demanded that I hand it over and I refused. Then they started beating me,” he recalled.

The soldiers hit him with rifle butts, tied him up, and used their weapons to beat him on the back, face and soles of his feet. He was left close to death. Other diamond diggers helped him and took him to the Ngonga Ngola settlement, where he received attention in a local clinic.

Case 25

Victim: Joly Ngoyo Mobula (30 years’ old), from the Democratic Republic of the Congo.

Date: August 6, 2010

Place: Kavuba, Cafunfo, Cuango municipality

Account of events:

Joly Ngoyo Mobula had worked as a *garimpeiro* in the Lundas for nine years. Over this period, he cooperated strictly with FAA officers who, in turn, employed several groups of diamond diggers. In an arrangement made with a lieutenant known as José, soldiers gave access to the Kavuba prospecting zone to four groups of *garimpeiros* working under José’s patronage.

Around midday, the soldiers decided to torture the men who were supposedly working in partnership with them. “The soldiers organized a line of all the detainees [lying flat on the ground] and the leader of the soldiers ordered that each *garimpeiro* be beaten 150 times. The other ordered them to kill us,” Joly Ngoyo Mobula recounted.

The artisanal miner recalled how the soldiers decided on a lesser punishment, beating each *garimpeiro* with electric cables as follows: “We each received 20 [lashes] on the buttocks, 20 on the back, 20 on the palm of each hand and 20 on the sole of each foot,” Joly Ngoyo Mobula said.

Case 26

Victim: Ernesto Cussemuca (43 years’ old), born in Caungula municipality, Lunda-Norte province

Date: July 26, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Ernesto Cussemuca, Xamussamba Samuel, and the Almeida brothers (Fidel and José e Novais) went to the military base at Antena-Vuka, where they paid 4,000 kwanzas (worth US\$43 at the time) to soldiers whom they identified by the names of Dany, Leite and “Captain” Tony. The money was supposed to allow them access to the diamond fields and the protection of the soldiers.

After paying the sum, the group went straight to work at about 10am. To their surprise, the same soldiers appeared, ordered them out of the area, and confiscated all of their diamond prospecting equipment. “I complained that we had already ‘made it legal,’” Cussemuca said.

“One of the soldiers grabbed me by the hands and the other by the feet and they threw me belly-down. They beat me on the buttocks, countless times, because I had complained,” Cussemuca said, adding that the soldiers beat him with the handle of a spade, resulting in a swelling that meant he could not sit down properly for several days.

While the soldiers were beating Cussemuca, the other *garimpeiros* fled. They returned later to help their companion, who received medical attention later that day.

The following day, they all recounted returning to the same location and washed gravel, finding 21 diamonds including four diamonds of one to two carats.

On July 17, Ernesto Cussemuca went to “report to Captain Muatxicapa, the head of the FAA local encampment, the incident that had occurred in the bush involving his subordinates.” After he made the complaint, “Sergeant Nico Leite came and found me at work, to kill me for having made the complaint. Thank God, when he appeared, ready to shoot, I fled,” Cussemuca said.

Case 27

Victims: Roberto Txinda Lubaxi (31 years’ old), born in Cuango municipality, Lunda-Norte province

Date: June 27, 2010

Place: Camingongo, Cuango commune

Account of events:

“We contacted the FAA [soldiers] and paid two thousand kwanzas [US\$20] per group, to be allowed to work at will,” revealed Roberto Txinda Lubaxi.

During the morning, four FAA soldiers carried out a brief inspection of the groups working in the area to identify those who had signed a “contract” with their detachment, and to find any infiltrators. According to the digger, the soldiers called the leaders of the digging groups to come to their command post for a meeting with their commander, whose name they did not reveal.

“The commander told us we would have to make a new contract. We were also told we would have to wait for the new law. The commander handed us over to the soldiers, to be kicked and beaten with shovels and machetes,” explained the digger Lubaxi.

“The soldiers lashed out wildly. I was punched, kicked and hit several times with the handle of a shovel. (...) They took us, in a Kamaz truck, to the Military Command Center in Luzamba, where we were kicked and punched. In all, 220 diggers were imprisoned together in a small room with no windows.” Lubaxi told how the diggers were transported completely naked, on the public road, from the digging area to the Command Center, which is located in the most densely populated area in the administrative heart of Cuango municipality. “The people saw the diggers being transported naked,” he said.

Roberto Txinda Lubaxi describes the detention conditions that he and his “co-sufferers” had to endure for six days in military dungeons: “We had to work from 6am to 1pm. Then we were given our only meal of the day, plain rice, and allowed to rest for an hour. Then it was back to work from 2pm to 5pm, at which time we were returned to the cells.”

Case 28

Victim: Domingos Mafata (28 years’ old), born in Lubalo municipality, Lunda-Norte province.

Date: May 31, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Domingos Mafata and three companions were traveling to the diamond digging area when they encountered a patrol of four FAA soldiers. The soldiers opened fire immediately to stop them. Each soldier carried a machete, a weapon that is not part of the military arsenal. While the others ran away, the four soldiers took turns beating Domingos Mafata with a machete on his buttocks and on the soles of his feet, 20 blows at a time.

After the beating, he had to pay the soldiers 6,000 kwanzas (about US\$60) to take him to a clinic in Ngonga Ngola, where he spent 12 days unable to sit down or stand on his feet. He went home after he had recovered from the swelling on his feet and buttocks.

Case 29

Victim: Gabriel Tutale (29 years' old), born in Camaxilo municipality, Lunda-Norte province.

Date: May 10, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

In the early afternoon, some FAA soldiers stopped two separate groups of five *garimpeiros*. The groups were working under the patronage of buyers working in the official companies Sodiam and Ascorp.

According to Gabriel Tutale, the soldiers and the two groups discussed a deal to share the diamonds they found. The soldiers then sent the *garimpeiros* to the banks of the River Cuango, where there were about 700 *garimpeiros* working under the patronage of various buyers linked to Sodiam and Ascorp.

Gabriel Tutale and another *garimpeiro* decided to go to the bush and look for sticks to use as handles for their spades. Members of the FAA did not believe who they were, accusing them of being foreigners and beat them brutally with electricity cables. The victims received help at a clinic in Ngonga Ngola.

Case 30

Victim: Mwanza Pitcho (30 years' old), from the Democratic Republic of the Congo.

Date: May 9, 2010

Place: Kituri, Cafunfo, Cuango municipality

Account of events: Mwanza Pitcho was part of a group of six *garimpeiros* who had reached an agreement with Teleservice security guards allowing them to prospect for diamonds in the Kituri area. The *garimpeiros* claimed that they worked for four months under the protection and surveillance of the Teleservice guards. On May 9, Mwanza's group found an eight-carat stone. After leaving the diamond digging area, they were ambushed by a FAA patrol in an area known as 820. The FAA soldiers took the

garimpeiros by car to a remote place, where they were subjected to a meticulous body search. The soldiers confiscated the diamond and beat the men.

“They ordered us to lie on our bellies on the ground, they stamped on us with their boots, kicked us, whipped us with ‘cafula-fula’ sticks, (then) we were tied up and spent three days in the FAA cells [in Cafunfo village],” Mwanza Pitcho said. They diggers were released three days later without charge.

Case 31

Victim: Dino Sueno Tito

Date: May 4, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

More than 2,000 *garimpeiros* were working in an area formerly prospected by the Sociedade de Desenvolvimento Mineiro (SDM), under the protection and surveillance of a FAA unit as well as police officers who were abusing their power and involved in extorting a ‘garimpo tax.’

“I paid to be allowed into the area. Then the soldiers detained me and took over my diamond pit. When I tried to complain they said it was not for me to give orders. They are the ones in control in Angola,” Dino Sueno Tito said.

As a result of the complaint, Tito claimed that a sergeant ordered his soldiers to beat him 30 times in the abdomen with the flat side of a machete and various sticks. The soldiers then allegedly stamped on his back with their boots, tied him up and left him in a pit for half an hour. Then he was expelled from the area.

Case 32

Victim: Quinito Jaime Miguel (34 years’ old), born in Cuango.

Date: May 1, 2010

Place: Kangau, Cafunfo, Cuango municipality

Account of events:

Quinito Jaime Miguel formed a group of *garimpeiros* with four other friends. The group paid US\$400 to a FAA detail, led by Captain Xico, for access to the Kangau mine in the Ngonga Ngola area.

After they had been digging for five days and reached gravel (potentially a source of diamonds), Captain Xico's troops interrupted their activities with a burst of gunfire. When he complained about this violent end to an agreement between the soldiers and the *garimpeiros*, Jaime was beaten with a machete.

"I was hit with the machete 20 times on the hands, a further 20 times on the buttocks and 20 times on the soles of my feet," he said. He also allegedly received a blow to the head with a rifle butt, later receiving medical care at a health post in Cafunfo, where his wound was treated with eight stitches.

Case 33

Victim: Monteiro Armando Nameji (34 years' old), born in Lubalo municipality, Lunda-Norte province.

Date: April 28, 2010

Place: Cuango commune

Account of events:

Around 8.30 pm, two FAA soldiers confronted Monteiro Armando Nameji on the road and demanded his identity document. When he replied that he did not have any identity documents in his possession, the soldiers ordered him to empty his pockets. The soldiers took the 6,000 kwanzas (about US\$65) that he had with him. Because he had insisted that he had rights, "they made me take off my shirt and they stuffed it in my mouth so I would not cry out. Then they kicked and punched me." While he was on the ground, the soldiers kicked his face until it was swollen. Then, the soldiers allegedly took him some distance away, to the Mubi River, and left him there.

Case 34

Victim: Manuel Pedro (34 years' old), born in Uíge province.

Date: April 28, 2010

Place: Kambala Kangado

Account of events:

Manuel Pedro was part of a group of more than 2,000 *garimpeiros* cooperating with FAA soldiers in an industrial mining area that had been abandoned by the Sociedade de Desenvolvimento Mineiro (SDM). According to Manuel Pedro, whose testimony was backed by a fellow miner Luís Jaime (40 years' old), the FAA detail had struck a deal with the *garimpeiros* concerning access to the mine in question. The groups of *garimpeiros* were

made to pay a ‘tax’ of US\$1,000 for three days of digging, of which one day’s worth of production would also be granted to the soldiers.

While digging, Manuel Pedro found three diamonds of between four and seven carats. The FAA soldiers supervising them immediately confiscated the stones. The soldiers beat Manuel Pedro with their rifle butts, causing him serious head injuries and cuts on his right hand.

Case 35

Victim: Laurindo Jacinto (39 years’ old), born in Uíge province.

Date: April 26, 2010.

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Led by Captain Xico, a patrol of five FAA soldiers apprehended Laurindo Jacinto while he was washing gravel. The soldiers hit him with a rifle butt several times and kicked him until blood was flowing from his mouth, nostrils and ears. They then left him.

Case 36

Victims: Zequito Kamako (27 years’ old), born in Saurimo, Lunda-Sul province; Diddy Wili (40 years’ old), from the Democratic Republic of the Congo.

Date: April 12, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

A FAA patrol set up a roadblock on the road linking Kangau to the main Cafunfo-Cuango road, and in the late afternoon they arrested a group of *garimpeiros*. Zequito said he was beaten 24 times on the palm of each hand, 12 times on the sole of each foot, and 10 times on the back, losing consciousness. The same beating was given to Diddy Wili. The other *garimpeiros* found them and took them to the makeshift health post in Ngonga Ngola, where they received first aid.

Case 37

Victims: Ernesto Cassule Waribita (30 years’ old), born in Cuango municipality, Lunda-Norte province; Fernando Alfredo (45 years’ old), born in Caungula municipality, Lunda-Norte province.

Date: April 6, 2010

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

Ernesto Cassule Waribita's group concluded an agreement with Sergeant Catuta, head of the FAA's mobile unit in the area, to share the proceeds of artisanal mining. The group included his brother, Fernando Alfredo, a man named Nelson (32 years' old), and a youth (16 years' old) identified only as Raimundo.

"That day, there was a rotation in the soldiers on duty. The new ones took us at about 7am. We were six *garimpeiros* in all, and Raimundo and Nelson who were in my group managed to escape. My brother and I fell into the hands of the soldiers, along with four *garimpeiros* from other groups, whose names I do not know," Waribita said.

The soldiers then allegedly took them on an eight-hour march through dense forest, with guns trained on the prisoners.

"After this march, the soldiers made us lie on our bellies on the ground and beat us 50 times each on the legs and around the waist. We had to count the times we were beaten," Waribita said. "Two soldiers beat us while the other four kept watch so that we didn't run away. When the two became tired of beating us, they made us beat one another. They gave us clubs so we could beat one another, until they got tired of this and left us in the bush."

As night was falling, the group was then marched in military style to an unknown location in the bush. The victims could barely march as a result of having been beaten on their knees. "When it was clear that the soldiers had gone away, we traced our steps to an area that we were familiar with," recalled Waribita, who said he was frightened about returning to work as a *garimpeiro*, but had no way of challenging the brutality of the army and the private security companies operating there.

"I fear being tortured again or being killed. But I have four children, and here there are no jobs or any other kind of activity that would allow me to support a family," Waribita went on, adding that although he was a builder by profession, "Here the people only build 'butter houses' [flimsy mud dwellings] so there are no jobs in construction. I have to be brave and take the risk once again."

Case 38

Victim: Benedito Miguel (40 years' old), born in Saurimo, Lunda-Sul province.

Date: April 2, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Benedito Miguel paid officials US\$200 for access to the Mbumbuelengue diamond area, but when four FAA soliders found him with gravel in his hand, they allegedly took turns beating him with clubs.

“They made me lie on my belly on the ground, and tied my hands with a red cloth,” he said. “One of them stamped on my head and the other urinated on me.” Afterwards, the soldiers ordered the *garimpeiro* to return home.

Case 39

Victim: Zequito Hebreu (39 years’ old), born in Lubalo municipality, Lunda-Norte province; Alexandre Tiago (28 years’ old), born in Lubalo; Alfredo Socotinho (19 years’ old); and Rock.

Date: April 2010

Place: Luê, Cafunfo, Cuango municipality

Account of events:

Five *garimpeiros* were preparing breakfast outside their improvised tents when a patrol of three FAA soldiers found them and detained them.

“We were taken to their post in Cailombo in the settlement of Bundo where they tortured us,” Zequito Hebreu explained. “The soldiers used a machete to beat each *garimpeiro* 25 times on the palm of each hand and 25 times on the buttocks. Then, they made us carry 25-liter jerry cans of water with our swollen and bleeding hands. We had to weed the area around the military post for six hours. Then they let us free.”

Zequito Hebreu reported that a *garimpeiro* called Rock, whom he had worked with occasionally and whose full name he did not know, had died of an infected wound a few days after the incident, which had left him with wounds on his hands and buttocks.

Case 40

Victims: Pedro Txuma Samundongo (60 years’ old), born in Caungula municipality; Txissé and Didier, both from the Democratic Republic of the Congo

Date: March 20, 2010

Place: Pone, Cafunfo, Cuango municipality

Account of events:

At around 2pm, four Teleservice guards led their three captives, who had been digging in the area, to their observation post in Pone.

Pedro Txuma Samundongo told how their captors took his old age into account and decided to reduce his punishment. According to the digger, one of the guards removed the handle from a shovel for the torture session. He ordered the man to lie face down on the ground, and struck him 15 times on the buttocks. As a complement, the digger recalls having been dealt another 15 blows to the palm of each hand.

About his Congolese colleagues, Pedro Txuma Samundongo describes how each of them received 50 strikes to the buttocks. According to the speaker, the guards also struck each one 20 times on both palms of their hands and soles of their feet with the side of a machete.

Case 41

Victims: Marcos Xatemi, 24 years' old, born in Caungula municipality, Lunda-Norte province; José, Nelo José and Miguel, the three born in Cuango municipality, Lunda-Norte province

Date: March 14, 2010

Place: Tximbulaji, Xá-Muteba municipality

Account of events:

At midday, three Teleservice guards interrupted the diggers at work. The guards forced the diggers to count out loud the number of times they struck each of their companions with the handle of a shovel.

According to Marcos Xatemi's statement, the guards administered 60 blows to the buttocks, 40 to the palms of the hands and 40 more to the soles of the feet of each digger. "We all got swollen", complained the artisanal miner.

Case 42

Victims: Fidel Américo António Agostinho (29 years' old), Viagem Saufuco (21 years' old), Marcos António (19 years' old); Caqueia (19 years' old), the brothers Américo (25 years' old), Manzambi António (23 years' old), all born in the Caungula municipality, Lunda-Norte, province

Date: March 4, 2010

Place: Ngonga Ngola, Xá-Muteba municipality

Account of events:

Five Teleservice guards decided to turn the sieves used for washing gravel into instruments of torture. According to the witness, Fidel Américo António Agostinho, the

guards made paddles from the wooden part of the sieves, and inflicted on each digger 30 blows to the buttocks, 30 to the sole of each foot and a further 30 to the palm of each hand.

Agostinho described how one of the guards asked the diggers: “‘Do you want to live or die?’ We answered that we wanted to live.’” The guards then suggested that we choose to swim across the river, which is quite a distance from one bank to the other at that point.” According to the diggers, the choice was whether they could overcome the pain and swim across the river to Cafunfo on the opposite bank, or be taken downstream by the current and eventually drown. Much to their relief, they could all swim and reached the opposite bank safe and sound.

Case 43

Victims: Zinho Pinto Muacassenje (21 years’ old) born in Cuango municipality; António José (22 years’ old), José and Beveny Gaspar as well as 13 other artisanal miners of unknown identity

Date: March 3, 2010

Place: Pone, Cafunfo, Cuango municipality

Account of events: Four Teleservice guards took a group of artisanal miners prisoner and proceeded to whip them with electric cables. Then they led their captives to their observation post, known locally as Ponto Zero. Here, the guards decided to subject the diggers to a summary trial.

Zinho Pinto Muacassenje related that one of the guards addressed the group, calling them “our enemies”. According to Muacassenje, the number of miners in Ponto Zero increased to 17 as other groups captured were led in.

The digger describes the method of torture that they had to endure. In turn, each digger had to lie face down on the ground, completely naked. One guard stepped on the neck, a second immobilized the feet and a third guard whipped each one 17 times on the buttocks with an electric cable.

According to Muacassenje’s statement, this ordeal was followed by a performance in which the commander of the post argued in favor of the death penalty, while one of his subordinates appealed for leniency. The prisoners were then transported and handed over to the municipal command of the National Police, in Cuango, to be locked up.

The diggers were remanded in custody for a week. “They gave us no food or water”, complained Muacassenje, who added that other prisoners shared some of their water and mouthfuls of food with the diggers.

Case 44

Victims: Neves Clemente, (33 years’ old), born in Caungula municipality, Lunda-Norte province

Date: December 27, 2009

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

Five diggers spent the Christmas season digging. FAA soldiers were on duty near their digging site and, on the second day after Christmas, they tied up the diggers with their shoelaces, and took them to the Kalunguali area, according to Neves Clemente.

The digger explains that the soldiers tortured his group, clubbing each of them 40 times, with 10 blows to the sole of each foot and 20 more to the buttocks.

Case 45

Victims: Angelino José, (29 years’ old), born in Xá-Muteba municipality; Bonifácio and Tranfo

Date: December 20, 2009

Place: Kambala Kangando

Account of events:

FAA soldiers forced three diggers to drink muddy water from the pit where they were washing gravel, according to Angelino José. One of the soldiers caused inflammation to his buttocks by giving him 18 blows with a cudgel, while another soldier injured him by hitting him with the butt of his rifle four times.

Angelino José states that two of the diggers in his group were under age. The two youths, known only by their first names, Bonifácio and Tranfo, were dealt a reduced amount of corporal punishment, each receiving ten cudgel blows to the buttocks. According to the leader of the group, the youths were also forced to wash three mounds of gravel for their torturers.

According to testimony by Angelino José, the group was set free after they had found two diamonds, which were immediately confiscated by the soldiers.

Case 46

Victims: Arlindo Paulo Malembe (38 years' old), born in Cuango municipality, Lunda-Norte province; Celso, Dino, Joaquim and Quinto

Date: December 19, 2009

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

The diggers' siesta after lunch was interrupted by gunfire from FAA soldiers. According to information supplied by Arlindo Paulo Malembe, his group was taken prisoner, and they subject to blows from the butts of rifles and kicks from the soldiers, who then began torturing their captives methodically.

According to Malembe, the spokesman of the group, the soldiers ordered the diggers to take off all their clothes and lie face down on the ground, naked. The soldiers started torturing them with the flat side of a machete, on the buttocks, palms of the hands and soles of the feet, according to the preferred sadism of each perpetrator. The youth recalled that anyone who moved was viciously kicked in the abdomen by the soldiers.

The digger states that the group was tied up there for three hours and then set free without their clothes.

Case 47

Victim: Hebreu Maquila (31 years' old) born in Kuito municipality, Bié province

Date: December 10, 2009

Place: Ngonga Ngola, municipality of Xá-Muteba

Account of events:

Maquila recounted that he fell prey to a new type of torture, after he was surprised by a patrol unit of 12 soldiers, while he was occupied digging: "They tied me to the trunk of a tree. Each soldier took hold of a machete and whacked me in the stomach". Maquila added that he was kicked ten times and cudgelled several times. Terrifyingly, he describes how one of the soldiers was heating a knife, announcing that it was "To rip out my eyes. But, by the grace of God, it started raining and they left me – alive."

Case 48

Victims: Gabino Malembe Marcos (34 years' old), born in Lubalo municipality, Lunda-Norte province

Date: December 3, 2009

Place: Ngonga Ngola, Xá-Muteba municipality

Account of events:

A patrol of 12 FAA soldiers detained a group of 20 diggers labouring in the Ngonga Ngola area. According to the statement of Gabino Malembe Marcos, the soldiers ordered the diggers, who were face down on the ground, to place clothes or rags in their mouths to muffle their screams. Armed with machetes, electric cables, the handles of shovels and the butts of their rifles, the soldiers tortured their victims at will, according to the digger. Gabino Malembe Marcos showed the huge scars he was left on his back and shoulders, as a result of the flaying he was given by the soldiers with machetes. Marcos added that, to complete the ritual of humiliation, the soldiers forced them to strip off all their clothes and return home naked.

Case 49

Victim: Alberto Saleno Tomás (30 years' old), born in Cuango municipality

Date: December 3, 2009

Place: Tximango, municipality of Xá-Muteba

Account of events:

Alberto Saleno Tomás recounted how he had decided to go home after a night's digging, and on the way, he joined a group of farmers making the same trek. According to his testimony, three Teleservice employees stopped the group to search them.

Alberto Saleno Tomás said that the guards found a shovel [without a handle] and a sieve in his bag, proving that he was a digger. He recounted how the guards turned him into a punch bag, and when he fell to the ground, they kicked him in the head several times. The guards stuffed his bag into his mouth to stifle his screams, while they continued to stamp on him with their boots. Next, still in the presence of the farmers, they tied him up. Tomás was then taken to the Teleservice observation post and the guards on duty there made him take off all his clothes. He related how he underwent another session of punishment by being kicked and cudgelled, the perpetrators burning his clothes and forcing him to wash the uniforms of his torturers. He spent the night in a cell and was released the next day.

Case 50

Victims: Pinto Daniel Joaquim, 29 years' old, born in Kuito, Bié province

Date: December 3, 2009

Place: Ngonga Ngola, Xá -Mutemba municipality

Account of events:

A group of four diggers, working in the Mbumbuelengue area, was surrounded by a FAA patrol, around noon. The soldiers proceeded to use their torture instruments: machetes and electric cables.

Pinto Daniel Joaquim did not count the number of soldiers, but he remembers the 40 blows he took, 10 in each hand and 10 more in the sole of each foot. He was tied up and one of the soldiers shot at him four times, without aiming. "One of the FAA soldiers said they had to execute me because of the stubbornness of the diggers, but another soldier said that was not so. I am alive, that was my faith," he recalled.

He was abandoned on that same spot and could not walk due to the injuries in his hands and legs. He stayed there for several days, only to be rescued by his colleagues later on.

Case 51

Victims: Dinis Caetano Alberto (33 years' old), born in Xá-Muteba municipality, Lunda-Norte province

Date: November 16, 2009

Place: Weji, Cuango municipality

Account of events:

Alberto spent 15 days receiving medical attention as a result of the torture he suffered at the hands of a FAA patrol. They found him at around 10am while he was digging and, according to his statement, tortured him with the flat side of a machete, hitting him on the buttocks, palms of the hands and soles of the feet. Alberto told how one soldier beat him so violently that he could not sit down for several days, as he had suffered serious inflammation and deep wounds to the tortured parts of his body.

Case 52

Victims: Sérgio Miguel Morais (30 years' old), born in Capenda, Camulemba municipality, Lunda-Norte province

Date: October 25, 2009

Place: Kambala Kangando

Account of events:

An indeterminate number of FAA soldiers on patrol ambushed more than 700 diggers laboring in the area and unleashed intense gunfire. Sérgio Miguel Morais was one of the many diggers caught and tortured there, according to his testimony. He recognized the officer in charge of the mission (identifying him by name of Muatxicapa) and another soldier named Mingulai.

Morais stated that one of the soldiers beat him 50 times with a machete on the palms of the hands and soles of the feet, and a further 16 times on the buttocks. As part of the assault, he alleged that he was searched, and that the soldiers stole 12,000 kwanzas from him (equivalent to US\$130).

Case 53

Victims: Mulundu Papi (30 years' old), from the Democratic Republic of the Congo

Date: October 20, 2009

Place: Lufuca, Cafunfo, Cuango municipality

Account of events:

It was around 4pm when four diggers were walking to a digging area. They were in high spirits, as their prospecting in that location a few days earlier had yielded good results. They had found two valuable stones and some *sengas*, according to Mulundu Papi.

A burst of gunfire brought them to a halt, and the diggers found themselves surrounded by a group of around 12 FAA soldiers. Mulundu Papi told how his group, along with some other diggers arrested in the area, was forced to take off all their clothes. One of the soldiers decided to liven things up with some music, played on his mobile phone. They forced the diggers to dance naked, under threat of severe punishment for those who refused. When the music stopped, the soldiers proceeded to search their clothes, finding and taking US\$200. Then they burned the clothes.

After this, the soldiers ordered the diggers to lie face down on the ground, and proceeded to whip them with electrical cable on the buttocks and back, administering 10 blows to each prisoner.

Case 54

Victim: Kaumba Xangaloshi (31 years' old), from the Democratic Republic of the Congo

Date: August 25, 2009

Place: Kaivunda, Cafunfo, Cuango municipality

Account of events:

Kaumba Xangaloshi explained how a FAA soldier shot him in the left foot as he tried to flee from a digging area that the soldiers had surrounded. He described how, after he had been caught, the soldiers took the US\$600 that he had on him. Then they blindfolded him and tied him to a tree. They abandoned him in that state. Other artisanal miners, upon returning to the area later, reportedly found Xangaloshi, untied him and took him to an infirmary, where he was treated for his injuries.

Case 55

Victims: Cazangaio André (60 years' old), born in Cuango municipality; Armindo Domingos (55 years' old), born in Lubalo municipality, Lunda-Norte province; Vizarta Muaculungo (38 years' old), Oliveira Cassemo (40 years' old), both born in Caungula municipality, Lunda-Norte province; Salomão Jeto (34 years' old), born in Uíge province.

Date: August 8, 2009

Place: Cafunfo, Cuango municipality

Account of events:

At around 2.30 pm, a Russian-made Kamaz truck, carrying about 30 FAA soldiers stopped at Bairro Kamba Kawuanda, where they made several arrests. Cazangaio André, the local deputy headman was tending his crops behind the village at the time. He dropped everything and went to where the soldiers were gathered to find out the reason for the arrests.

“The soldiers started hitting me with the handles of shovels and the butts of their rifles. They opened a gash in my head and broke both my arms, as you can see,” André said.

The deputy headman stated that the soldiers made many villagers suffer at their hands. They arrested several youths, accusing them of being diggers. They ransacked homes, stealing generators, motorized pumps and foodstuffs.

One victim, Armindo Domingos, was conducting a religious ceremony, as normal, in the IEIA Evangelical Church (Igreja Evangélica dos Irmãos em Angola) when the soldiers burst into the place of worship. The pastor told how the soldiers attacked the

congregation, right in the middle of the church, kicking them and striking them with the handles of shovels and the butts of their rifles, accusing them all of being diggers. The pastor stated that he himself was also the victim of indiscriminate violence.

Vizarta Muaculungo was one of the citizens whose home was ransacked. She was violently struck several times by the soldiers. In her statement, she says the soldiers found a *barra-de-mina*¹³⁹ in her house, accused her of being a digger, and used this argument to dispossess her of all her valuables.

The soldiers found a motorized pump in Oliveira Cassemo's house. Pumps are important, necessary equipment for informal digging. The owner describes how the soldiers forced him to lie face down on the pump, while they beat him repeatedly with the side of a machete on the back, buttocks and soles of the feet. The victim revealed that the soldiers were still not satisfied so they 'confiscated' a carton of canned Texan beef he had in the house and made him hand over all his money – 500 kwanzas (equivalent to US\$5.37 at the time).

Salomão Jeto revealed that, during the rampage, the soldiers pretended to arrest several youths, including himself. He stated that the soldiers tortured them first and then put them in the Kamaz truck and drove them a short distance from the village before releasing them and forcing them to take refuge far from the village. The local community confirmed that the soldiers had needed the truck just to take away all the goods they had confiscated.

Case 57

Victims: Cardoso Maca Yangamibe, 26; Justino Alberto Xindany, 29; Gisbon Mateus, 30, all from Saurimo municipality, Lunda Sul province.

Date: 28 July, 2009

Place: Domingos Vaz, Xá-Muteba municipality.

Account of events:

Three FAA soldiers found the abovementioned men digging diamonds on the bank of the River Cuango. According to the men, the soldiers ordered them to remove their clothes and whipped them with electric cables. They then forced them to lie facedown on the ground, and continued to whip them. According to the diamond diggers, two other forms of punishment followed. They were made to perform somersaults while naked, and then each of the men had to carry a soldier on his back for several hundred metres.

139 A type of pointed crowbar, similar to a javelin, used by diggers to remove heavy boulders.

What hurt the men most was the fact that the soldiers stole the 39 diamonds that the men had excavated at the site.

The Crimes of Teleservice

Murder

Case 57

Victims: Ermelindo Bonifacio Yuca (21 years' old), from Luhalo Township, Lunda-Norte province.

Date: December 3, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

Ermelindo Bonifacio Yuca was digging with his friend, Joel Gabriel, when a group of four guards from Teleservice arrived on the scene. Gabriel fled.

The security guards proceeded to torture Ermelindo Bonifacio Yuca, using rods to beat his loins and feet. His friends claimed that they returned after an hour to help him.

The traditional medicine Yuca given as a preliminary treatment proved ineffective, and he died on December 10 at the hospital in Cafunfo. According to his family, there were several fractures to his ribs.

Case 58

Victim: Joaquim André (30 years' old), born in Caungula municipality, Lunda-Norte province

Date: November 24, 2009

Place: Tximango, Xá-Muteba municipality

Account of events:

According to witnesses, a Teleservice guard killed Joaquim André, by shooting him in the lower chest, whilst on patrol in the diamond digging area of Tximango.

Case 59

Victims: Alexandre João Mabula (35 years' old), born in Caungula municipality, Lunda-Norte province

Date: September 20, 2009

Place: Bula, Cafunfo, Cuango municipality

Account of events:

In ‘cooperation’ with some Teleservice guards, eight diggers were sifting through gravel in the Bula area. They had to pay the guards a US\$200 ‘tax’ up front, and cut them in on a share of the profits if diamonds were found.

According to witness statements from António Costa, Xadrack and Francisco, one of the security guards (known as Cobra), called Alexandre João Mabula aside. He asked Mabula to remove the gravel from a collapsed pit. There was a misunderstanding, and Cobra hit the digger over the head with a shovel several times, killing him. Alexandre’s body was thrown into the river Cuango. The captain of the Teleservice local outpost was called to the scene and, according to the diggers, detained them in their post for the night. The following day, the family of the victim went to the police station in Cafunfo to lodge a complaint. According to members of the family, the investigating officers demanded 4,000 kwanzas (equivalent to US\$40) for ‘travel expenses’ in order to investigate the case.

Case 60

Victims: Afonso Muacavunga (17 years’ old) and Monteiro Jacques (24 years’ old) both born in Cuango municipality, Lunda-Norte province

Date: August 24, 2009

Place: Cafunfo, Cuango municipality

Account of events:

Teleservice agents mortally wounded Monteiro Jacques in the torso while he was trying to avoid being taken prisoner. According to statements from diggers who witnessed the killing, during the same incident, Afonso Muacavunga died from a bullet wound to the forehead. This was corroborated by religious figures called to bear witness to the consequences of the Teleservice guards’ brutality.

Torture and Extortion

Case 61

Victims: Manuel Muatxiumbi, 31 years’ old, born in Capenda-Mulemba

municipality, Lunda-Norte province; Arlindo dos Santos, Cabeia, César, Domingos Trésor, Malamba, Mualuquessa Adão and seven other, non-identified, diggers

Date: March 12, 2011

Place: Tximango, Xá-Mutemba municipality

Account of events: By 10.45 a.m. four Teleservice guards detained 15 diggers from several groups. According to Manuel Muatxiombi, the guards gathered the prisoners and enforced them to collect stones and to knee down over the other diggers' backs. Then they started to whip their backs 35 times each, with the side part of the machetes, while they were still kneeling. Anyone who dared protesting or make the slightest movement would be beaten on shoulders and head. The guards proceeded heating 40 times the diggers palms of hands and feet.

Case 62

Victims: Zacarias Juca (37 years' old), born in Bié province; Nvula Marcos, Miguel Macala, Mbombe Didi, Poeira and Júnior

Date: March 12, 2011

Place: Tximango, Xá-Muteba municipality

Account of events:

For a week, the group had been protected by Teleservice guards while they panned gravel discarded by Sociedade Mineira do Cuango (SMC). Then, a relief patrol, consisting of four new guards, detained the group at around 2pm and ordered them to make a large bonfire.

According to Zacarias Juca, the guards forced the diggers to form a circle around the bonfire for 30 minutes as a 'warm-up' exercise, in spite of the bright sunshine at the time. Then, one of the guards decided to organize a 'dance show.' He played the song "Mboa Ana" (Madam Ana), by the famous Angolan singer, Matias Damásio, and ordered the diggers to dance as couples around the bonfire.

In his interview, Juca stated that the guard was not happy with the performance of one of the couples, so he decided to play the song again and threatened them with serious consequences should the performance of any couple not meet his expectations.

Juca further stated that at the end of the music session, the guards ordered the diggers to get into a pit, to make it easier to hit them on the head with the sides of their machetes. To avoid serious injury or worse, the diggers tried to remain as still as possible

during the ordeal, in the hope that this would spare them from being struck with the sharp edges of the machetes.

Using *kafula-fula* sticks, the captors also allegedly flogged each digger 80 times on the back and buttocks. Zacarias Juca explained how the guards took turns, giving each digger 20 blows, adding that one of the guards still wasn't satisfied, so he heated a machete in the bonfire and branded him on the back, causing a serious burn. Zacarias Juca was taken to a private health center to be treated for his burns and head injuries. His co-workers were also treated there for wounds to their heads.

Case 63

Victims: Celestino da Costa, 40 years' old, born in Bié province; Paiva Gabriel, Kapata Ciamata and Luaca Diule

Date: March 9, 2011

Place: Tximango, Xá-Muteba municipality

Account of events:

In the middle of the afternoon, a group of eight diggers traveling on a public road was taken prisoner by Teleservice operatives. According to Celestino Costa, the four captors took them into the bush to torture them.

Celestino Costa recounted how the guards, with their weapons drawn, took turns beating the diggers around the head with batons and the butts of their rifles, as a 'softening-up exercise.' Costa recalled having been struck 12 times with a rifle butt, an attack which left him with serious head wounds.

Next, the guards forced the diggers to strip naked and lie face down on the ground. According to Celestino Costa's statement, the Teleservice security guards improvised a routine for torturing different parts of the body with the flat side of a machete. He tells how each digger was struck 28 times on the buttocks, 20 times on the soles of the feet, a further 20 times on the palms of the hands, before being turned over and hit in the stomach with a baton.

Celestino Costa states that although they were taken prisoner at the same time as the four other diggers, he did not know the identities of the others, as they were members of other groups.

The guards burned Costa's group's clothes and shoes and released them completely naked.

Case 64

Victims: Djelson Tiago (24 years' old), born in Caungula municipality, Lunda-Norte province

Date: February 15, 2011

Place: Ngonga-Ngola, Xá-Muteba municipality

Account of events:

It was shortly after midday when, according to Tiago, a patrol unit consisting of 3 Teleservice agents arrested a total of 15 diggers, including members of his own group, namely Mateus Zeca and José Camuanda. He also stated that most of the prisoners were from the Democratic Republic of the Congo.

The diggers were taken to Teleservice's operational center, inside the headquarters of SMC, where they spent about 10 hours in isolation without being given any information about their situation.

"At 11pm we were ordered [by Teleservice guards] to get into a Toyota Hilux van. We were fearful of their intentions and complained. We asked to spend the night at the base and be punished in the morning," recounted Tiago.

The digger went on to say that, because he had led the protest, the Teleservice guards made him lie down on a bed of sticks prepared specifically to punish him. He recalled being beaten on the buttocks at least 20 times with the handle of a shovel, while he was stretched out over the sticks. He states that three other detainees who had protested were given the same treatment, though he didn't know their names.

According to Tiago, the Teleservice agents drove the diggers to Curva, 30 kilometers away, just so they would have to walk all the way back. This was allegedly a tactic frequently used by the guards.

The diggers' worst fears were confirmed when the Teleservice agents introduced a new means of inflicting pain on their prisoners. "With the vehicle traveling at a certain speed, they made us jump off," explained Tiago, adding that the diggers were made to jump off the vehicle considerable distances apart so that they wouldn't be able to help each other.

Tiago said that, when they got close to Kelengue, the vehicle sped up on the dirt road, and he was ordered, at gunpoint, to jump off. Apart from the serious abrasions he suffered to his whole body in so doing, he also lost nine teeth in the fall when his mouth hit the ground. A motorcyclist later found him unconscious on the road and helped him.

Case 65

Victims: Ngunza Vicente (29 years' old), born in Lubalo municipality; Gil, Bonifácio and Guerra

Date: February 15, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

A six-man patrol of Teleservice guards followed four diggers to the village of Ngonga Ngola and arrested them. The security guards took the youths to the Ponto Zero observation post in Pone. "We had to pay 4,000 kwanzas (equivalent to US\$40) to be set free, but not before we were given a beating. Each one of us was hit on the palms of the hands 40 times with the handle of a shovel," explained Ngunza Vicente, the spokesman for the group.

Case 66

Victims: Fernando Evaristo, born in Caungula municipality, Lunda-Norte province; Kiss Alberto (19 years' old); Alfredo, Jujú and Wilson

Date: February 12, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

A group of diggers was in a pit, excavating the ground in search of gravel, when they were approached by three Teleservice agents at around 11am. "They forced us to strip naked and they gathered up all our digging tools," described Fernando Evaristo, speaking for the group who added that the guards tried out a new method of torture on them. "They placed six sticks on the ground, spaced apart horizontally. We had to take it in turns, lying face down on the bed of sticks, while a guard walked up and down over our bodies."

After this 'experiment,' Fernando Evaristo recalled how the diggers were then ordered to kneel down in a line for the next stage of torture. "Each of us was struck with a machete 30 times, and whipped 10 times. We screamed and begged them to stop, but they weren't listening."

Evariste went on to describe how the Teleservice security guards then tied the diggers' hands behind their backs with shoelaces, and took them to their headquarters inside the SMC compound. The guards made them do forced labor. "We washed all their

dishes and pots. We washed their uniforms and cleared the ground around the compound. They let us go at night-time,” recalled Fernando Evaristo.

Case 67

Victim: Alexandre Benjamin, 14 years’ old, born in the municipality of Cuango, province of Lunda-Norte

Date: February 10, 2011

Place: Pone, Cafunfo, municipality of Cuango

Account of events: A Teleservice guard who was patrolling the area alone found a group of diamond diggers, and selected the youngest and puniest of them and threatened him with his gun.

“He [the guard] beat me as if I were a snake,” young Alexander Benjamin said. He told how he was forced to lie on his belly while the guard beat him with the flat of a machete. The boy’s brother, José Paulino, aged 20, pleaded with the guard to have mercy, and offered to be beaten in place of his brother. However, according to José Paulino the guard ignored this, and picked up a stick that he used to beat the boy as long as he wished to, before eventually leaving.

Case 68

Victims: Silva Manuel Tchimubi (26 years’ old), Bernardo Domingos (29 years’ old), both born in Caungula municipality, Lunda-Norte province; Avelino, Herói, Tchilema, Smith and Pedrito

Date: January 27, 2011

Place: Tximbulaji, Xá-Muteba municipality

Account of event:

Seven members of Teleservice detained the above mentioned diamond diggers and took them to their outpost. “They forced us to take off our clothes; they burned them along with our food. They beat us all over with the butts of their guns. The beating was awful,” said Silva Manuel Tchimubi. The guards then allegedly tortured their prisoners at will, countless times, by hitting them on the buttocks, sole of their feet, and on their palms with sticks.

After the beating, the group was forced to clear weeds around the outpost for over an hour and a half. Silva Manuel Tchimubi returned home sick, his arms swollen. “I will no longer go looking for diamonds,” he said.

Meanwhile, Tchimubi's colleagues remained in the same location, recovering and preparing to return to prospecting for diamonds. Bernado Domingos' family had to take him from Tximbulaji due to his ill-health problems. His brother, Angelino Xacuhulama, provided this information.

Case 69

Victims: Mukunda Sissi (32 years' old), born in Caungula municipality, Lunda-Norte province; Txambi Txicai (39 years' old), born in Cuilo municipality, Lunda-Norte province; Michel Txiuissa (39 years' old), born in Lubalo municipality, Lunda-Norte province; as well as Elias, Madona, Paulo, João and Domingos.

Date: January 21, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of event:

At 9am, during heavy rain, three Teleservice guards detained 15 diamond diggers seeking shelter in improvised huts and tents. Mukunda Sissi, Txambi Txicai and Michael Txiuissa identified the other members of the group solely by their first names.

"We were hit five times on the back with cutlasses, two on each hand. The guards tied us by the elbows. A single rope was used for two diamond diggers. They then took us to their outpost at Catetomuna," said Mukunda Sissi. He recalled how one of the guards ordered the prisoners to take off their clothes, forcing them to remain naked at the post for a long time. To add to the humiliation, "the Teleservice guards called Russo, Cabrito and Cabeção sold our food and some tools to a group of diamond diggers working with them." Txambi Txicai reported that the head of the post, Cabeção, "heated a machete in the fire and hit my brother João on the back, burning him." However, he said the guards spared him the torture by hitting him only ice. "The Teleservice guards told us that if we wanted to dig for diamonds, we needed to work with them and with a sponsor called Máua Angolano [a Congolese citizen] who worked with Boss Joseph, the Lebanese of Sodiam." Mukunda Sissi reported that the Teleservice security guards had created a network of informers among rival diamond digging groups who told them which areas had the most diamonds. In return, these informers were offered protection, food and tools that had been taken by force from others.

In a perverse display of humor, the guards gave their dirty uniforms to Txambi Txicai and Mucunda Sissi so that they could go and capture other diamond diggers. With armed men looking on behind them, the two men reported that they went on to capture

four more diamond diggers and brought them to the guards' outpost. "The guards forced us to torture our prisoners with clubs," said Txambi Txicai.

Apart from hitting them with the side of a machete, Michel Txiussa reported that the guards forced the captured diamond diggers to wash their uniforms and flatten the soil around the Teleservice post.

Eventually, when there was no more use for them, the diamond diggers were freed.

Case 70

Victims: Paulo António (21 years' old), born in Caungula municipality; Negrinho, Jordan, Txuca and Domingos

Date: January 20, 2011

Place: Catetomuna, Cafunfo, Cuango municipality

Account of events:

At around 9am, a group of 17 Teleservice guards surrounded various groups of diggers working in Catetomuna. The guards detained several diggers, including the above-mentioned group.

Paulo António and his workmates had brought enough supplies for several weeks' work. "They confiscated two sieves [for panning gravel], three shovels, a sack of cornmeal, 25kg of cassava flour, 20kg of dried fish, 6kg of meat, 5 liters of cooking oil, 2kg of salt, 4kg of sugar, 3 tins of chorizo, 2kg of coffee and tomato and onion paste," said António.

"The security guards delivered the food to a friend of theirs' to be re-sold in Ngonga Ngola," explained Paulo António, in his vivid description of the vicious circle of security operatives confiscating materials from one group of diggers and selling them on to another.

Having taken care of the 'business' part of the routine as a first priority, the guards then proceeded on to the torture part, according to António. "They made us sit down and shaved our heads at random. Then they called us, one by one, to be beaten with a stick 25 times on the hands, buttocks and back. Then they stood on our stomachs wearing their boots. When they stood on me, I vomited," said Paulo António.

António recalled that the torturer on duty that day was a feared individual called Catana (Machete), whose nickname was due to his reputation for being the most sadistic of all the Teleservice guards.

The diggers then recounted that, during the guards' search, they had found a pot of cooked rice that had gone bad. Even though it induced the diggers to vomit, the guards made them eat the rice and wash it down with lots of water. The diggers were released at nightfall.

Case 71

Victim: Benvindo Matondo (32 years' old), from the Democratic Republic of the Congo.

Date: January 16, 2011

Place: Tximango, Xá-Muteba municipality

Account of event:

Benvindo Matondo, working for his Congolese sponsor, Mitombe Bongolo Bilonga, was digging for diamonds near the bridge over the Cuango River, around the Sociedade Mineira do Cuango's concession.

Two Teleservice security personnel detained him and forced him to drink approximately two liters of water from the river. As they forced him to drink the water, the guards stuffed his mouth with grass so he could not scream. They then began to hit him in the stomach.

As Matondo was lying on the ground, the guards continued to hit him in the stomach while another tormentor suggested that they throw him into the river. A Teleservice supervisor, who happened to drive past the scene, ordered the guards to end the abuse and free Matondo.

Case 72

Victim: Martins Saleno Cage (38 years' old), from Cuilo municipality, Lunda-Norte province; António Mussumari, Adelino Cafama, Muacânica Mussumari, Raimundo Borges, Fela and Zeno.

Date: January 15, 2011

Place: Ngonga Ngola, Xá-Muteba municipality

Account of event:

This group of diamond diggers had operated on the banks of the Cuango River for two months. At about midday, three Teleservice guards on patrol detained them and tied them up.

According to Martins Saleno Cage, the guards ordered all of them to kiss the soil. While the diamond diggers lay on the ground, the three guards started torturing them with clubs, hitting them roughly 40 times each on the buttocks, soles of the feet, and the hands.

Case 73

Victim: Cassanje Gonçalves Mayomona (29 years' old), born in Saurimo, Lunda-Sul province.

Date: January 15, 2011

Place: Kamabo, Cafunfo, Cuango municipality

Account of event:

Cassanje Gonçalves Mayomona had been in Cafunfo for three months in search of his fortune. He organized a group of diamond diggers sponsored by a Malian national known only as Keita.

The group was digging a ditch on the banks of the Cuango river when they were detained by members of Teleservice security.

“The guards forced us to take off our clothes. They burned all of our clothes and food and beat us with the butts of their guns. They also kicked us,” said Cassanje Gonçalves Mayomona.

The diamond digger said that his group was then taken to the Teleservice command post. “The guards at the post took clubs and beat us once again. Each of us was beaten 20 times on the soles of our feet.” He explained that the aim was to make their return home very difficult, and even worse, impossible for them to remain in the prospecting area, since their legs were so swollen.

Case 74

Victim: Jújú Arnaldo Sombo (29 years' old), from Cuilo municipality, Lunda-Norte province.

Date: January 12, 2011

Account of event:

Jújú Arnaldo Sombo had been working in the area for the past two years, for a Congolese dealer known as “Buda.” Buda had an agreement with guards from Teleservice for protection and the right to prospect in a specified area for a fee of \$400. The artisanal miner revealed that there were a total of 40 diggers in total, who made up

four different groups. Each group had to pay between \$200 and \$400 to gain access to the prospecting area.

On the morning of the fourth day of prospecting, on the banks of the Cuango River, a Teleservice patrol of eight guards came by and detained them. “There had been a change in the guards,” explained Jújú Arnaldo Sombo.

According to Sombo, the guards forced the miners to take off their clothes and lie down naked. “One of the guards would step on my neck while another was beating me.”

The victim explained how the guards hit him 20 times with a club on the buttocks, ten times on the soles of his feet, and ten times on the palms of his hands. The same beating was given to the other artisanal miners.

Taking advantage of the labor at hand, the guards then took the miners to their outpost, forcing them to wash their clothes and cut the grass.

Case 75

Victim: Júlio Adão Avelino, from Cuango.

Date: January 12, 2011

Place: Tximango, Xá-Muteba municipality

Account of event:

While washing gravel on the banks of the Cuango River, Júlio Adão Avelino felt a whip hit his neck. Three Teleservice guards had him cornered. In addition to a series of kicks, “One of the guards got a branch twig from a muehe tree and started torturing me as if I were a snake.¹⁴⁰ They forced me into the water, and then made me roll over the sand, and continued hitting me until I began bleeding,” he said.

The miner said another workmate, who had hidden and witnessed his torture, saved him when the guards left him. After the beating, he spent two days in bed feeling very ill. “I thank God for having survived this.”

Case 76

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Victims: Paulão Jorge Muquinje (32 years’ old) and Félix Jorge Muquinje (38 years’ old), both from Cuango; Pelito Fernando (27 years’ old) and Júlio Samuhanga (37 years’ old), both from Caungula, Lunda-Norte province.

¹⁴⁰ According to local lore, the muehe twig, which has the color of a brick, is traditionally used to kill boa constrictors. There are many such snakes in the region.

Date: January 9, 2011

Place: Antena, Ngonga-Ngola, municipality of Xá-Muteba

Account of event:

At around 4am, the diggers were woken up by four Teleservice guards. “First, they confiscated our food. We had two sacks of cornmeal, two of rice, two boxes of dried fish, one sack of beans and a box of chicken legs,” described Paulão Jorge Muquinje.

Once ‘business’ had been taken care of, “They started beating us with the handles of shovels on the back and buttocks. Then they made us dance [to the rhythm of] Sassa Tchokwé.¹⁴¹ We were also ordered to dance the *kambuá*.”¹⁴²

The artisanal miner recalled how, after the dancing, accompanied by improvised vocals, the audience cheered the group of diggers with another round, each, of three blows on the buttocks with the flat side of a machete. “They took us to their post, where they made us clear the ground. Then we were let go,” concluded Paulão Jorge Muquinje.

Case 77

Victim: Ernesto Cussemuca (43 years’ old), from Caungula municipality, Lunda-Norte province; José de Almeida, Xamussamba Samuel, Jano and another six unidentified miners.

Date: January 8, 2011

Place: Pone, Cafunfo, Cuango municipality

Account of event:

Known among the miners as the head of the Teleservice outpost in Pone, Kulimuena broke an agreement between his patrol team and a team of ten artisanal miners.

“We paid \$400 to the Teleservice guards to be able to work freely. We were washing the gravel when Kulimuena came around with two other guards,” said Ernesto Cussemuca. “I complained that we had already paid Kulimuena. He slapped me twice on the face and hit me with the flat side of a machete on the buttocks.”

Cussemuca added that all of the miners were beaten. The guards continued to hit their victims on the buttocks and forced them to lie on the ground. According to Cussemuca, each guard chose his victim and torture equipment, between a machete and a

141 The most popular band in the Lundas.

142 A controversial dance based on canine movement. *Kambuá* means ‘little dog’ in Kimbundu.

club. “For talking back, Jano was beaten on the chest with a stone by one of the guards,” said one of the interviewees.

Tortured for the second time in less than six months (**see Case n. 26**) Ernesto Cussemuca confessed, “Now I am scared of prospecting clandestinely. I think I will choose instead to remain alive, even if penniless.”

Case 78

Victim: Jean Claude, 53, from Chitato municipality, Lunda-Norte province

Date: December 30, 2010

Place: Luremo commune, Cuango municipality

Account of events:

“We had an agreement with the staff of the Bula lookout post. We (four diamond diggers) paid 1500 kwanzas (US \$15) to the Teleservice guards who were at the post to allow us to work unhindered,” Jean Claude said. On the day in question, a new Teleservice patrol set about chasing the diamond diggers away, disregarding the agreement made by the others. Jean Claude said he complained about the guards’ failure to keep to the arrangement. In response, one of the guards grabbed a spade and hit Jean Claude several times on his right arm, seriously fracturing it in two places.

Jean Claude defiantly went to the commander of the Kelengue Police Post, chief inspector Gato, to lay a complaint against the Teleservice guard who had assaulted him, who is known only by the name of Afonso. Jean Claude said the police commander took immediate steps to check the facts and to take the required measures.

“Chief inspector Gato negotiated with the supervisor of the (Teleservice) post at Bula, a man known as Kixixima. They came to an agreement whereby Teleservice would pay for my medical treatment,” Jean Claude said.

“Mr Kixixima paid commander Gato US \$500 for my treatment, but he (Gato) kept the money,” Jean Claude said. This deal came to light when the healer who treated Jean Claude and who later spoke to the author, went to the Teleservice post to demand the payment that was owed to him, whereupon the supervisor confirmed that the money had been paid to Gato. Gato offered no explanation as to what had happened to the money, and said the case was closed.

Case 79

Victims: Henriques Mwakeke (22 years' old), Txibodeu Difungue (18 years' old), Alegria (23 years' old) and Nicolau (28 years' old), all born in Caungula municipality, Lunda-Norte province.

Date: December 28, 2010

Place: Tximbulaji, Xá-Muteba municipality

Account of events:

The artisanal miners were working on the banks of the Cuango River when a six-man Teleservice patrol surprised them.

“They started to beat us and stamp on us with their boots”, stated Henriques Mwakeke, on behalf of the group.

The digger says that they were punched and kicked all the way to the guards' vehicle. “The Teleservice driver decided to make us [diggers] put our toes under the wheel of the car [while we stood beside it] and roll over them.”

Henriques Mwakeke explains that the driver's intent was to cause permanent, crippling injuries to the prisoners' lower limbs so that they could never again go digging. In addition to rolling over their toes, the guards also whipped the diggers and hit them on the buttocks a total of 40 times each with the flat side of a machete. Seemingly still not satisfied with their actions, according to Mwakeke, the guards then proceeded to whip them all 20 times on the soles of the feet and 15 times on the palms of the hands.

“The Teleservice guards told us that we caused them a lot of work, so we had to be punished,” says the miner. The abusers seemingly took note of the fact that the victims could not walk, and so drove them to the town of Cafunfo, where they let them go.

Case 80

Victims: José Agostinho, (27 years' old), born in Camaxilo municipality, Lunda-Norte province; Castro Silva, Arão, Estêvão, Filipe Leo, Maurício and Silva José, all born in Cuango municipality, Lunda-Norte province

Date: December 27, 2010

Place: Tximango, Xá-Muteba municipality

Account of events:

Just before dawn, four Teleservice agents arrested the group of diggers. “One hit me 28 times with a club, while others hit me in the chest with the butts of their rifles. The last one started hitting me with the flat side of his machete. After a lot of pain, I started to insult them,” recounted José Agostinho.

Outraged by the insults, one of the guards stuffed part of a shirt into the cursing man's mouth to shut him up. "They stretched me out on the ground. One of them kicked me in the head while another punched me," said Agostinho.

The captors took the diggers to the headquarters of *Sociedade Mineira do Cuango* (SMC), where their main base was located. José Agostinho stated that "the guards tied us up with rope and made us stretch out, looking up at the sun for an hour," while they themselves rested in the shade.

According to statements from the diggers, they each had to wash three uniforms, polish boots and clear the ground around the base.

Before their release at nightfall, the group was subjected to another round of beatings at the hands of Teleservice guards.

Case 81

Victim: Bernardo Avelino Samba (33 years' old), born in Cuílo municipality, Lunda-Norte province

Date: December 24, 2010

Place: Tximango, Xá-Muteba municipality

Account of events:

According to his statement, Samba was part of a group of diggers who paid 3,000 Kwanzas (equivalent to US\$30) to a Teleservice patrol stationed in the area, to be allowed to work there for four days.

After two days, the patrol returned to the area with new 'contractual' demands. "The guards adopted an aggressive attitude, and we complained. They ripped our tents. I protested. One of the guards stood on my neck, two more stood on my feet, one on each side, while the fourth beat me with a machete 30 times on the palms of the hands, 12 times on the buttocks and 20 times on the soles of the feet", stated Bernardo Avelino Samba.

As he attempted to protest against the violent treatment, the digger explained that he was stripped naked and had to look on while his clothes were being burned. Along with his workmates, he was forced to take his food supply and digging tools to the village of Ngonga-Ngola. According to the victim, the Teleservice agents then sold on their bags of rice, meal and dried fish and kept the proceeds for themselves.

"Since the day of my attack, to the present date, I have not been intimate with my wife. I'm in treatment. I have no strength," the distraught digger said, weeping.

Case 82

Victims: Sebastião Tito Rocha (36 years' old), from Xá-Muteba municipality, Lunda-Norte province, and his wife, Madalena (30 years' old).

Date: December 17, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

Sebastião Tito Rocha decided that prospecting for diamonds would be more worthwhile than working in the fields. He came to the banks of the Cuango River to try his luck, while his wife served as a lookout. Six Teleservice guards detained him.

The diamond digger recounted how he was forced to drink excessive amounts of water from the river. The guards then started hitting him with the butts of their guns. "They hit me so much on the head and in the stomach that I fainted."

Before allowing Madalena to go to the rescue of her husband, the guards slapped her several times.

Case 83

Victim: Estêvão Mayomona (34 years' old), born in Uíge province

Date: December 17, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

A patrol of eight Teleservice guards ambushed a large group of diamond diggers and detained them. Estevao Mayomona described how the guards decided to torture the detainees and ordered them to lie down. "Each of us was beaten 20 times on the buttocks and 20 times on the sole of our feet." He added that other guards would often hit their victims with the butts of their guns on the heads and shoulders to keep them quiet during the beating.

"This Teleservice is not here to protect diamonds. It has come here to punish and kill these people," Mayomona said.

Case 84

Victims: Domingos Cassembe (34 years' old), born in Moxico province; Bonifácio Luís Cazeia (29 years' old).

Date: December 14, 2010

Place: Bula, Cafunfo, Cuango municipality

Account of events:

This group of diamond diggers divided tasks among themselves; a few continued to work in their established mining pit while Tony and Tito (of Congolese nationality) went to the Teleservice outpost to pay US \$500 for access to the pit's gravel.

In the meantime, the head of the Teleservice outpost, known as "Afonso," came to the mining area and detained Domingos Cassembe and Bonifácio Luís Cazeia.

"Afonso tortured me on the buttocks with the flat side of a machete," said Domingos Cassembe. The diamond digger said he tried to resist the order to lie flat on the ground and lower his trousers. "(Afonso) threatened to kill me if I did not comply with the orders. I was a soldier and I know that when an armed person is carrying out a violent act it makes sense to go along with him." He tried to stand up. "Afonso then kicked me on the mouth," he said.

According to Domingos Cassembe and his colleagues, Bonifácio Luís Cazeia was also treated roughly by the man in charge of the outpost.

Finally, the beating ceased. Cassembe told his tormentors that Tony and Tito had already gone to pay the money. The two were freed and allowed to carry on with their work.

After five days without any success, the group left the area. "On the way, Afonso detained us once again. He said that we must have found a huge stone and that we were now trying to get away. We told him that we had not even found a single senga."¹⁴³

Case 85

Victims: Manuel Moisés Adelino, born in Cuilo municipality, Lunda-Norte province.

Date: December 13, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

To avoid the Teleservice guards, a group of diamond diggers started working after 11pm with torches. Several Teleservice guards found and encircled them that night.

Manuel Moisés Adelino said that no one managed to flee. The guards tortured the diggers methodically with cutlasses; they would occasionally use the butts of their guns.

¹⁴³ It is a small diamond with insignificant commercial value.

After that ritual, the guards forced the diggers to lie on the ground. “They hit us with cutlasses. I was hit by ten on each palm of my hand, ten on each sole of my feet and twenty on my buttocks,” Adelino said. The digger said his colleagues received similar treatment.

Case 86

Victim: Marcelino Adão Nunes, born in Lubalo municipality, Lunda-Norte province.

Date: December 12, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

Witnesses said that three Teleservice guards beat Marcelino Adão Nunes with various kicks to the head. He began to bleed profusely through his mouth, and the guards left him covered in blood. Two other diamond diggers detained at the location were also severely beaten up.

Case 87

Victim: Figueira Muatxicuta (20 years’ old) born in Caungula municipality, Lunda-Norte province

Date: November 20, 2010

Place: Catetomuna, Cafunfo, município do Cuango

Account of event:

Workmates Vasco, Maurício Henriques, Gingonga and Figueira Muatxicuta went through the same ordeal. Three Teleservice guards held them captive, at around 3pm while they were at work. “They made us undress. We were completely naked and we had to lie face down. They beat us with machetes. Each person was hit 20 times on the buttocks, 20 times on the palms of the hands and 20 times on the soles of the feet,” recounted Figueira Muatxicuta.

The artisanal miner added that one of the guards “picked up a stick and started prodding me in the genitals with it.” He revealed how the guards then made them fondle each other’s genitalia.

According to Figueira Muatxicuta, once the guards had burned the diggers’ clothes and belongings, they took the detainees to their outpost for forced labor. “We had to weed around the camp, and wash their dishes and pots before they released us at 7pm.”

Case 88

Victim: Paulo Mualesso (31 years' old), from Lubalo municipality, Lunda-Norte province.

Date: November 20, 2010

Place: Cafunfo, Cuango municipality

Account of events:

Paulo Mualesso said the beating was indelible. "They beat me with *muebe* twigs as well as the butts of their AK-47's, kicks in the groin and blows to the head with a Makharov pistol." He reported that six Teleservice guards forced him and other diggers (whose names he did not specify) to take off their clothes and set them on fire. Mualesso also said that he was taken to a command post where another guard hit him with a flat candlestick.

Case 89

Victims: Castro Afonso Saurimo (24 years' old), Abel Fernando (17 years' old), Adolfo Joaquim (20 years' old) and Joaquim Fernando, all born in Lubalo municipality, Lunda-Norte province; Tony Serafim Macamanda, born in Caungula municipality, Lunda-Norte province.

Date: November 5, 2010

Place: Dambi, Cafunfo, Cuango municipality

Account of events:

A Teleservice patrol of five guards appeared around 9:30am. They made a proposal to the diamond diggers, asking them whether they wanted to go to the other side of the Cuango River where there was large Teleservice outpost, or whether they wanted to be beaten on the spot.

Tony Serafim Macamanda tried to flee. One of the guards, known by the name of "Catana" [Machete], went after him and hit him with a shovel, wounding his right hand. He was recaptured.

Joaquim Fernando also tried to flee in vain. "They hit him with a shovel on the head and injured him," said Castro Afonso Saurimo. "We complained that they had no right to beat us. That is when the torture started."

“The guards forced us to take off our clothes. After we were naked, they forced us to get into the lagoon. They forced us to dance the *tchianda*,¹⁴⁴ while we were naked and wet, [to the tune of] *Sassa Tchokwe*, but without any music being played.”¹⁴⁵

Castro Afonso Saurimo said that the guards, after having been ‘entertained’ went on to punish the group further, even those who had been injured already. “Each of us was hit with a club five times on the buttocks, five times on each palm of our hands, and five on each sole of our feet.” The guards then took the artisanal miners across the Cuango River, to a larger and supervising outpost for forced labor. The detainees had to tend the guards’ farm and cut the grass nearby.

At a makeshift health post in their neighborhood, Tony Serafim Macamanda received fourteen stitches on his right hand. Joaquim Fernando required five stitches to his head.

In the past five years, Castro Afonso Saurimo has been captured and tortured five times by Teleservice guards. “I continue to mine because I have no other job, nor any other alternative for survival,” he argued.

“You leaders and intellectuals claim that there is a democracy in which anyone can take care of his life. Is this violence a type of democracy?” he protested. “The wealth is for everyone, not just for the leaders.”

Case 90

Victim: Joaquim Muacabandje (25 years’ old), from Lubalo municipality, Lunda-Norte province.

Date: November 5, 2010

Place: Cafunfo, Cuango municipality

Account of events:

A detachment from the Angolan Armed Forces (FAA) camped temporarily in an area near the Lavaria do Dambi, which had been left by the Sociedade de Desenvolvimento Mineiro (SDM). A group of artisanal miners was operating a few meters from the FAA encampment. According to Joaquim Muacabandje, the group had agreed to give some stones to the soldiers, should they succeed with their digging.

Around 10am, a patrol from Teleservice arrived in the area and detained the artisanal miners.

144 A traditional tchokwe dance

145 The most popular musical group in the Lundas provinces.

With their long ferules, which they named ‘Hail Mary,’ the Teleservice guards started beating the group. “First, they forced us to take off all our clothes and lie flat on our stomachs. They hit each one of us with the Hail Mary, twenty times on the buttocks, 30 on each sole of the feet and ten on each palm of our hands,” said Joaquim Muacabandje.

The diamond diggers were then allegedly tied up and taken to the Teleservice outpost, where they were forced to clear the weed around the encampment, before being freed.

Case 91

Victims: Francisco Marcos (27 years’ old), born in Cuango municipality, Lunda-Norte province; Fifi, Manuel and Samy.

Date: October 19, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

A group of five artisanal miners was working under the patronage of a ‘Mr. Malik,’ with whom they had an agreement to split half of all the diamonds that they would find. In addition, they would have to sell the rest to Mr. Malik, as is the practice, at a fee that he would decide. According to Francisco Marcos, Mr. Malik was from West Africa and supplied the group with basic foodstuffs while they worked.

In the middle of the day, a patrol of Teleservice guards disturbed the diggers’ lunch. “The guards forced us to take off our clothes, which they threw onto the fire. The meal that had already been prepared was burned,” explained Francisco Marcos. The guards then ordered the group to lie on the ground. “Then the torture session started. We were all beaten – 20 times on each sole of the feet, 20 times on each palm of our hands and 30 times on the buttocks,” he explained.

Case 92

Victim: Jujú Madalena

Date: October 10, 2010

Place: Katéwe, Cafunfo, Cuango municipality

Account of events:

Jujú Madalena was literally immersed in his work, diving to harvest diamonds on the riverbed, when he was surrounded by a Teleservice patrol. His workmates, who were on the riverbank, noticed the patrol approaching and fled quickly.

“They called me, and when I went over, they hit me on the head with the butt of a rifle. I was wounded,” he said.

Madalena stated that he was then taken to the local Teleservice outpost, where he was violently kicked in the head with military boots. The guards forced him to weeding the area around their camp before they let him go.

Case 93

Victim: Mwanza Tito (30 years’ old), from Lubalo municipality, Lunda-Norte province.

Date: May 25, 2010

Place: Cafunfo, Cuango municipality

Account of Events:

Mwanza Tito paid US \$150 to Teleservice guards to prospect in the Pone area. After working for seven days, continually washing gravel, Tito said he found a four-carat diamond and 26 stones averaging 0.76 carats (known locally as ‘*sengas*’). Instead of sharing these stones with Tito, as had previously been agreed, the guards seized them all.

“Suddenly, a war started between the guards and the diamond diggers. The guards were using guns, so of course they won.” Tito said was hit with a shovel 40 times, resulting in serious swelling. “I was also beaten ten times on the hands and on the buttocks. The guards forced the diamond diggers to take off their clothes, which they burned. Then they chased everyone away from the location,” he added.

Case 94

Victim: Alberto Ngoia (20 years’ old), born in Cuango municipality, Lunda-Norte province

Date: May 20, 2010

Place: Vuka, Cafunfo, Cuango municipality

Account of events:

A Teleservice patrol approached Alberto Ngoia at midday while he was digging, and inflicted what had become their standard violence. The artisanal miner stated that he was beaten with the handle of the shovel he had been using to remove earth. “They tied me up and tossed me into a pool of water, where I was forced to remain for four hours,” Alberto Ngoia testified.

After this, the guards made the victim do forced labor. They took him to their outpost where he was forced to wash uniforms and fetch water. They made me “eat a plate of rice and beans gone bad, which gave me diarrhea.”

Case 95

Victims: Carlitos Kupinduka (36 years’ old) born in Cuango municipality, Lunda-Norte province; Armando and Joãozinho

Date: May 12, 2010

Place: Pone, Cafunfo, Cuango municipality

Account of events:

Carlitos Kupinduka told how, two days before, he had paid 5,700 kwanzas (equivalent to US\$60) to a Teleservice patrol so that his group could work without fear of being tortured.

When the guards changed shift, the next patrol rescinded the agreement. Two Teleservice guards took Kupinduka’s group prisoner. According to the digger, they were all tied up with their shoelaces so that they could not escape or resist.

According to Kupinduka, the guards untied one digger at a time, forcing each to lie face down on the ground for the beating. He described how the guards viciously struck each digger 100 times with the flat side of a machete to the buttocks and the same number to the palms of the hands and the soles of the feet.

Case 96

Victim: Sandilo Jamba (31 years’ old), born in Uíge province.

Date: May 6, 2010

Place: Katewe, Cafunfo, Cuango municipality

Account of events:

Teleservice guards surprised a group of artisanal miners in the area of Katewe. Sandilo Jamba and another digger, only identified as ‘Mário,’ were forced to lie down on a rock. As the guards beat Sandilo with increasing violence, Mário stood up and fled. The beating did not cease until Sandilo was bleeding profusely from the mouth and nose, and had a swollen head. After being abandoned on the rock, some peasants came to his rescue.

Case 97

Victim: Jaime Lucas (28 years' old), born in Cuango municipality, Lunda-Norte province; three other miners of unknown identity.

Date: April 20, 2010

Place: Pone, Cafunfo, Cuango municipality

Account of events:

After two weeks of intense digging, in that morning, Jaime Lucas faced four Teleservice security guards while at work. "When I tried to run away, they [the guards] captured me, and beat me up with the handle of a shovel as well as kicks," Lucas recounted. Afterwards, the miner added, "They [the guards] stripped me naked and hit me 52 times with a truncheon on the soles of my feet, and the palms of my hands."

Lucas added that the three other *garimpeiros*, rounded up nearby were tied up, along with him, and taken to the Teleservice local outpost where they received further beatings. Later, the guards returned him to the site of the capture and freed him.

Case 98

Victim: Fefé Dumilde (35 years' old), born in Lucapa municipality; Davi, Man Nela, Salvador and Pene

Date: April 16, 2010

Place: Kalengue, Luremo commune, Cuango municipality

Account of events:

A Teleservice patrol team intercepted a group of ten diamond diggers on the banks of the Lue River and became violent. "They beat us with the handles of shovels; they forced us to take off all our clothes which they burned; they forced us to lie on our stomachs so they could continue to hit us," said Fefé Dumilde.

The artisanal miner reported that he protested against the brutality of the Teleservice guards. "I told them not to punish me as if I were an animal." Because of his complaint, one of the guards hit him with the butt of his AK-47. This caused a head wound, which eventually required fifteen stitches. Dumilde said that he and his colleagues were also forced to drink water from a stagnant pool. From the group of ten *garimpeiros* beaten by the guards, Fefé is only acquainted with four: Davi, Man Nela, Salvador and Pene.

Case 99

Victims: Ilungue Mualuquessa (28 years' old) and Pedrito Saizamba (29 years' old), both born in Lubalo municipality, Lunda-Norte province

Date: April 15, 2010

Place: Tximango, Xá-Muteba municipality

Account of events:

Two artisanal miners went panning for diamonds close to the SMC plant, on the bank of the Cuango River. One of the four Teleservice guards who later detained the duo hit Ilungue Mualuquessa in the face with the butt of his AK-47, causing him serious injury.

According to Ilungue Mualuquessa, although he was wounded and bleeding profusely, the guards still subjected him, along with his workmate, to a round of physical beatings. The victim stated that they were each lashed 50 times on the buttocks, and 40 times on the palm of each hand. The guards then transported the prisoners to Cuango commune and handed them over to the National Police, who imprisoned them for two weeks.

Case 100

Victim: João Serafim (38 years' old) born in Xá-Muteba municipality, Lunda-Norte province.

Date: April 5, 2010

Place: Pone, Cafunfo, Cuango municipality

Account of events:

A group of artisanal miners established an informal agreement with some Teleservice guards for prospecting in the Kitubo area. Each digger paid US \$200 for protection. According to João Serafim, this arrangement had lasted for five months.

At around 4pm on April 5, 2010, the Teleservice guards surprised the diggers by opening fire without warning. Serafim was held and beaten with a shovel. When he protested that there had been an agreement, the guards allegedly hit him with the butt of their guns several times. They tied him up and continued beating him until he was swollen. "Only then did they free me," he said.

Case 101

Victims: Romeu Txabua Luzolo (47 years' old) born in Caungula municipality, Lunda-Norte province; and Manuel Cambacori

Date: March 2010¹⁴⁶

Place: Pone

Account of events:

Romeu Txabua Luzolo called himself a simple peasant whose field bordered an area known as Kibulo do Camulage, where diamond prospecting had been going on for some time.

The peasant said that he was on his way home after tending his field, when a patrol of six guards, from Teleservice, stopped him at around 5pm. “I tried to explain that I was a peasant farmer, but they [the guards] would not listen to me. They took away my radio and my tools. When I complained, they slapped me, tied a rope to my neck, and with another tied my hands and feet,” explained Luzolo.

“They beat me up as if I was an animal,” lamented the farmer, who said there was no opportunity to plead with his captors. “They forced me to take off my clothes, and tortured me with [the side of] a machete on the buttocks and on the back.”

According to Luzolo’s testimony, his captors then took him to their supervisor who, in turn, ordered him taken to the Teleservice outpost in Dunge area. “There, in their post, they really wanted to kill me. They continued to torture me. They tied the rope I had around my neck to one of the beams of the *jango* [shed], where they kept me and I spent the whole night like that, with the feet and the hands tied as well,” narrated the farmer.

Three other peasants remaining at Luzolo’s farm, were also targets of abuse by the Teleservice guards. Besides being hit several times with the flat side of a machete on the buttocks and the back, Manuel Cambacori (one of the victims) explained that, because he invoked his own human rights and those of his colleagues (Daniel and Manuel), one of the guards stabbed him with a bayonet in the neck. He was left severely wounded. He exhibited his scar as a lasting evidence of his ordeal.

Case 102

Victims: Novais Américo Xamulanguica (19 years’ old), and José Alexandre Camanda (22 years’ old), both born in Caungula municipality, Lunda-Norte province.

Date: January 24, 2010

Place: Tximango, Cafunfo, Xá-Muteba municipality

¹⁴⁶ The case took place in the early days of March 2010. The first statement was recorded weeks after the incident and the peasant explained he did not pay attention to the calendar or to events that could reference the day of his arrest.

Account of events:

Around 9pm, a patrol of four Teleservice guards detained eight *garimpeiros* who were operating on the banks of the Cuango River. According to Novais Américo Xamulanguica, the guards ordered the diggers to lie down. Thence, methodically they hit each one of them with the flat side of machetes eight times on the sole of each foot and ten times on the palm of each of their hands. After that, according to the artisanal miner, the guards clubbed the backs and the buttocks of each of their victims ten and five times more respectively. Then, Xamulanguica explained, the guards randomly beat their victims with the butts of their guns and the handles of shovels at will. He and his fellow victims lost count of the frequency and types of violence being used.

Novais Américo said that the group was later tied up and forced to spend the rest of the night on their knees in a pool of water. José Alexandre Camanda reported that he was tied up with three other individuals with the same rope. Now and then they were hit with butts of guns. In the morning, the diggers were led to a Teleservice outpost in the area, where they were forced to weed the yards and wash the uniforms of their torturers. The guards, according to the interviewees, forced everyone to strip naked to humiliate them.

Later that afternoon, arrangements were made for the diggers to be set free upon conditional payments of US \$100 for each one.

Case 103

Victim: Almeida Sabão Dinis (38 years' old), from Lubalo municipality in Lunda-Norte province.

Date: January 19, 2010

Place: Tximango, Xá-Mutemba municipality

Account of events:

Among the diggers, the so-called 'area of a thousand sengas (small diamonds)' is well known, for many have made fortunes there. Known as the 'local geologist,' Almeida Sabão Dinis convinced the elder Simão to permit him access to Simão's field, for diamond prospecting, with a promise for mutual enrichment. According to Almeida Sabão Dinis, he, Simão and Simão's two underage sons camped out in the field for two weeks, digging throughout. On January 19, the prospectors received a 'visit' from Teleservice guards while they were washing the gravel.

According to Dinis, the guards administered on 20 lashes on the palm of each of his and Simão's hands, followed by 20 more their buttocks and a further 20 on the sole of each of their feet. Dinis said he spent 24 hours without managing to move his legs because of the violent beating and the painful effect of the 'Hail Mary' ferule. The guards did not hit the minors, according to the victims' testimonies.

Case 104

Victims: Xamunhumbo Castro (32 years' old) born Lubalo municipality, Lunda-Norte province; five artisanal miners of unknown identity

Date: January 14, 2010

Place: Ngonga-Ngola, Xá-Muteba municipality

Account of events:

Late one afternoon, Xamunhumbo Castro called off his day's work and decided go to the village of Ngonga Ngola, along a local trail. A group of five artisanal miners joined him on the trail, going in the same direction. A Teleservice patrol blocked their path.

Xamunhumbo Castro recounted how one of the Teleservice guards slapped him in the face for complaining that he had the right to travel on a public road without being bothered. Indignant, he launched himself at the guard to slap him in return. He was immediately immobilised at gunpoint by the other guards.

While the others were "lightly beaten", emphasised Xamunhumbo Castro, he himself was struck with the handle of a shovel 40 times on the buttocks and 10 times on the palms of the hands and the soles of the feet.

Case 105

Victim: Lilas Muamulieje (30 years' old), from Cuilo municipality, Lunda-Norte province; André and Mateus

Date: January 10, 2010

Place: Lufuca, Cafunfo, Cuango municipality

Account of events:

On January 6, a group of artisanal miners bribed Teleservice guards to secure access to the Lufuca mining area, by paying US \$600 to be allowed to prospect through diving in the river (*zolo-zolo*).

After working for a day, the guards reneged on the agreement and decided to expel the diggers. Four guards from Teleservice detained three of the prospectors: Lilas Muamulieje, André and Mateus. The group protested vehemently. In response to their complaints, the guards tied the diggers up, pointed their guns at them, and stuffed their mouths with grass to prevent them from crying out.

There was then a beating session involving kicks to the stomach, according to Lilas Muamulieje. The victims were taken to the banks of the Cuango River to be ‘thrown’ in. The guards asked for backup from a patrol team that was nearby. Consequently, the diggers were taken to a Teleservice detention cell, where they spent two days.

Teleservice did not follow any legal process to keep the diggers in detention. By law, the company’s employees should have handed them over to the National Police.

Case 106

Victim: André Muacazanga (31 years’ old) born in Lubalo municipality, Lunda-Norte province

Date: January 8, 2010

Place: Txameia, Cuango commune

Account of events:

A group of diggers were prospecting by diving into the Cuango River. Despite having organized an observation post to warn them of approaching patrols, a group of Teleservice guards managed to reach the banks of the river and get close to the workers unnoticed. As soon as he spotted the guards, Tony alerted his colleagues and told them to run. But Andre Muacazanga could not: he was in the river diving for diamonds.

According to Muacazanga’s statement, the guards fired their guns several times in an attempt to force him out of the river, and in their direction. “I got out of the water and they tortured me, hitting me with sticks on the back, stomach and on the soles of my feet,” he said.

Muacazanga said he bled profusely from the mouth, nose and ears. He said that he was also forced to take off his clothes, which were burned. “Later, a peasant woman gave me a piece of cloth to cover my private parts,” he recalled.

Case 107

Victim: Pedrito Armado Dias (28 years’ old) born in Cuango municipality, Lunda-Norte province.

Date: January 7, 2010

Place: Bolio, Cafunfo, Cuango municipality

Account of events:

Three guards from Teleservice found Pedrito Armado Dias, João and Moisés sifting through gravel on the banks of the Cuango River. Two of the diggers fled at once. The guards netted Pedrito. One of the guards covered his eyes with a cloth so that he would not recognize his captors. The guard then started kicking and clubbing him all over his body. He suffered injuries on his head and back. After the beating, the guards tied the victim and threw him into a mining pit, at around 10am. After four hours, the other diggers came to the scene searching for him, and rescued him out of the pit he had been held in.

Case 108

Victim: David António (29 years' old), born in Cuango municipality, Lunda-Norte province.

Date: January 4, 2010

Place: Kamabo, Cafunfo, Cuango municipality

Account of events:

Around 3pm, a Teleservice patrol in the Kamabo area detained David António, who happened to be digging. According to his statement, he was ordered to get into one of the pits. Then, the guards allegedly hit him several times on the head with clubs. After that, they took him out of the pit and lashed him 20 times with a whip. He said that he then fainted. The guards then took him to the road that links Cafunfo to Cuango (about 100 meters from Muanatxine neighborhood) and set him free.

Case 109

Victim: Gabriel Mualesso (32 years' old), born in Moxico province

Date: November 5, 2009

Place: Lufuca, Cafunfo, Cuango municipality

Account of events:

A group of six artisanal had made a bribing arrangement of sorts with Teleservice security guards. For US \$600, they had been allowed access to the site of a secondary processing plant, owned by Sociedade Mineira do Cuango, where rejected and test gravel is taken.

After working for ten hours, sifting through the gravel, the artisanal miners managed to find some diamonds. But “the guards got greedy for diamonds and took all the stones,” says Gabriel Mualesso.

The diggers protested at the loss of both the money and the diamonds, having worked so hard. The guards subdued the group using their weapons, and then proceeded to beat them up. “They kicked us first, then they started beating us with the handles of shovels on the buttocks and the soles of the feet,” recalled Mualesso, the spokesman for the group.

Gabriel Mualesso recounted that some of his workmates were then thrown into the river. He stated that, in his own case, one of the guards’ supervisors personally tied him up with shoelaces and started dunking his head repeatedly in the river Cuango, as if to drown him. The victim said that he swallowed a lot of water, and was lucky to survive, as the supervisor kept on dunking him for over half an hour.

CONCLUSION

This report highlights the prevalence of a state of terror in the Cuango River basin. In this region, violence is based on the political high-ranking Angolan officials protected by the Presidency of the Republic. These officials use violence and corruption to amass vast fortunes in collusion with companies involved in the exploration and commercialization of diamonds.

In practice, the government has not even used the bare minimum of diamond production revenues to create employment, to develop health and education services, or to alleviate the extreme poverty of local communities. The *modus operandi* of the government and the diamond industry in the region, and their security company enforcers, is based on structural violence, which translates into deaths, torture, misery, enforced ignorance, and dehumanisation of the affected populations.

According to Galtung, the archetype of structural violence is based on the exploitation of the most underprivileged members of society by those at the top of the chain of command.¹⁴⁷ It is under the banner of the MPLA, as the political party in power for the last 36 years, that the ruling class obtained and continues to enforce its capacity for the brutal exploitation of communities rooted in the diamond-bearing zones.

In turn, Farmer notes how the poor are the principal victims of structural violence and how, in addition to being the most exposed to suffering, they also tend to be the least aware of the drama of their own existence¹⁴⁸. In a sense, the local people have two options: to transform their ignorance, isolation and victimhood into mechanisms for assistance and legal defence; or to create social solidarity mechanisms in the face of military, economic and security forces and political propaganda oppressing them.

The testimonies provided by all the witnesses highlight how citizens recognise the injustice of their situation, their extraordinary lack of fear in naming their oppressors and their desire to find justice. By directly identifying the victims, this report aims to give an

147 Galtung, 1990:294.

148 Farmer, 2005:50.

expanded voice and protection to those communities which remain isolated from the rest of Angola, and which are excluded from the military peace enjoyed by the rest of the country since 2002.

In the Lundas, state institutions are used as instruments in the politics of violence by the private interests of political leaders and generals, thereby exposing the lives of the most underprivileged members of society to the weight of their arrogance, insensitivity and sense of impunity. There is also an element of international complicity, through mechanisms such as the Kimberley Process, and from countries that help the regime to present a serious democratic image to the world, whilst at the same time subjecting the Angolan people to cruel, inhuman and degrading treatment that is inconceivable under international law.

Presented with the opportunity and the required level of confidence, many citizens were prepared to share their own experiences as victims of violence and extortion, illustrated by the cases exposed in this report. Others revealed their own acts of servility and collusion with soldiers and security guards from private companies, in corrupt schemes for subsistence diamond digging. Linda Moisés da Rosa showed extraordinary courage in relating the loss of her two sons. Deputy headman Xamuangala described how dependent traditional local authorities are on artisanal mining, due to a lack of alternatives, as well as their susceptibility to arbitrary exploitation by private interests.

It is important to ensure that some of the victims and local civil society have access to this report, when completed (as has been the case with previous reports), in order to raise the collective social conscience about the systematic use of acts of institutional violence against utterly defenseless citizens.

This is partly at variance with Wilson's belief that international reports on human rights tend to depoliticize abuses of human rights and divert attention away "from the structural processes of class or ethnic power, and reduce the violations to a set of technical problems concerning the functionality of the legal system."¹⁴⁹

149 Wilson (1997:148).

This work offers a different vision. Firstly, the structural processes and injustices of class or ethnicity in no way justify the use of an army and private security forces for torture, deprivation of basic means of survival and the systematic slaughter of defenseless citizens. These are considered criminal acts under Angolan law and the corresponding international mechanisms ratified by Angola. The systematic forms of abuse through which these crimes have been committed, for a number of years, potentially constitute crimes against humanity.¹⁵⁰

Government officials, generals and private companies involved in this barbarity ultimately share responsibility for the crimes committed by soldiers and guards from private security companies, such as Teleservice. The multinationals, international organisations and embassies that give contracts to Teleservice are also accomplices to the crimes. These clients grant this company exceptional financial and political power, making it the most influential and sought after company in the security sector. They sustain the arrogance and sense of impunity of its shareholders, the generals.

In a way, one of the great flaws of international reports on human rights lies in their reflection of broader geopolitical strategies, as well as economic and media interests. These decide whether a particular situation of systematic abuse of human rights deserves international condemnation or the benefit of ‘diplomatic silence.’ The comparative case between abuses that took place in the Marange mines in Zimbabwe, and the prevalence of brutality in the northeast of Angola illustrates this. Leading members of the international community, including human rights advocates, are unremittingly strident in their public condemnation of the Mugabe regime. Where Angolan blood diamonds are concerned, however, these same self-styled spokespeople for the repressed have chosen to grant public support or the benefit of ‘diplomatic silence’ to president Dos Santos, and – in so doing - provide stability and succor to his regime. As a reward, some of their home-based companies are granted corrupt access to the vast mineral resources of the country, especially petroleum and diamonds.

¹⁵⁰ See the Rome Statute of the International Criminal Court here: <http://legal.un.org/icc/statute/romefra.htm>. Angola has signed it, but keeps avoiding ratification.

There is also the moral dimension to consider. Angola spent a period of 43 years in a state of war, from the fight for independence (1961-75) to the political unrest fuelled by various grievances, including class, racial and ethnic conflicts (1975-2002).

When peace finally came to Angola, with the exception of the Cabinda situation, Angolan society displayed an exceptional capacity for peaceful coexistence, adopting the path of spontaneous tolerance and reconciliation of relations between opposing groups.

What can cause a regime to suppress its own people, to reduce entire levels of its own population to subhuman conditions, while the chosen few become wealthy through violence and by plundering the country's heritage?

The answer to these questions lies, in part, in the sinister character of the Angolan ruling class, which behaves venally, like a criminal gang. This gang encourages fear and ignorance in society as acceptable forms of social behavior. It impoverishes society, corrupts it and sacrifices it with evident satisfaction, as a way of confirming its own hegemony over the vast majority of Angolan citizens.

Recommendation

Normally, this type of research includes a set of remedial recommendations to relevant institutions, State representatives, companies involved in acts of violence, local communities and relevant international organisations.

Here, this norm is replaced with a more objective approach. In a meeting arranged to discuss the current situation in the Lundas and the Kimberley Process, one western diplomat pre-empted the discussion with a warning. According to his understanding of the international position, any notion of public pressure on the Angolan regime to bring itself into line with the international standards on human rights, which it upholds, would be radical, ill-timed and unrealistic.

Outsiders regularly and routinely encourage victims of abuse to rely on authoritarian government mechanisms for redress and discourage committed, continuous defence of

human rights in Angola. Active defense of rights is branded as radicalism by international donor governments who, given the structure of Angolan political economics, share exclusive power with the government in maintaining and influencing the orientation of activities of organisations of civil society in the country.

Considering these factors, there is only one reasonable recommendation that can be made in the context of the Lundas. Well-meaning Angolan citizens, especially the youth, cannot rely on outside help: they have no option but develop a sense of collective indignation and organization against the systematic abuses which are committed against one section of the population and which is an affront to the whole of society.

International economic interests coupled with the regime's heritage cannot continue to subjugate the supreme will of an entire people for much longer. Only solidarity among Angolans and their commitment to unity for the common good can guarantee, for future generations, the legacy that many Angolans have already been denied for a long time: respect for human life and dignity.

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