



Home Office

## Country Information and Guidance

Angola: Treatment of persons from Cabinda province

January 2015

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## Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Angola. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

### Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

### Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document please [e-mail us](#).

### Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date Updated: 21 January 2015

## 1.1 Basis of Claim

- 1.1.1 Fear of persecution for persons from Cabinda province by the state authorities because such persons are perceived to be affiliated to the non-state armed group, the Front for the Liberation of the Enclave of Cabinda (FLEC).

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## 1.2 Summary of Issues

- ▶ Is the person's account a credible one?
- ▶ Are persons from Cabinda at risk of mistreatment by the state on return to Angola?
- ▶ Are persons from Cabinda perceived to have a political affiliation with FLEC at risk of persecution by the state?
- ▶ Is return to Cabinda province / internal relocation generally possible for persons from Cabinda?

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## 1.3 Consideration of Issues

### Is the person's account a credible one?

- 1.3.1 Decision makers must consider the material facts relating to a person's account of their Cabindan origin and whether their experiences as a Cabindan are reasonably detailed, internally consistent (e.g. oral testimony, written statements) and externally credible (i.e. consistent with generally known facts and the country information, taking account of any personal undermining factors which may explain why a claimant's testimony is not fully consistent with other evidence).
- 1.3.2 See also the Asylum Instruction(s) on:

- [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

### Are persons from Cabinda at risk of mistreatment on arrival in Angola?

- 1.3.3 The Upper Tribunal (UT) in the case of [MB \(Cabinda risk\) Angola CG \[2014\] UKUT 00034 \(IAC\)](#) ('MB Angola'), found that the evidence regarding the treatment of returnees demonstrated that 'normal security checks' were conducted at the airport, including Luanda airport on arrival. Such checks were likely to be thorough and aimed at establishing the identity of the person entering the country. (para 133)
- 1.3.4 Persons returning to Angola who are from Cabinda will be subject to normal security checks at Luanda airport. These checks do not amount to a breach of Article 3 of the European Convention on Human Rights.

### Are persons from Cabinda perceived to have an affiliation with FLEC and at risk of persecution?

1.3.5 In the case law of MB Angola, the UT found that:

‘There is significant evidence of human rights abuses, including within Cabinda and affecting Cabindans, problems of arbitrary arrest and detention, ill-treatment in detention, poor prison conditions, restrictions on freedom of expression, government action against protest and limitations in the legal system and security laws. However, these problems do not render all those returning to Angola or Cabinda to be at risk of serious harm, whether or not they are Cabindans.

‘...The Angolan authorities do not equate being a Cabindan with being a member of or supporter of the Front for the Liberation of the Enclave of Cabinda (FLEC). ... The evidence fails to establish that FLEC currently operates at a level such as to represent a real threat to the Angolan authorities although they are keen to take measures to ensure that there is no resurgence of its activities. Nor does the evidence establish that FLEC reflects the views and aspirations of a majority of Cabindans, notwithstanding the fact that the Cabindan sense of social identity remains very strong and separation from Angola remains an aspiration shared by many. The Angolan authorities readily understand the distinction between FLEC membership or support and Cabindan self-assertion.’(para 129-130)

1.3.6 The case of MB Angola concluded:

‘A person of Cabindan origin returning to Angola will not in general be at real risk of ill treatment by reason of his or her Cabindan origin. Such a person is reasonably likely to be detained (with the accompanying risk of ill-treatment) only if he or she has a history of active involvement with FLEC (or one of its factions, such as FLEC-PM or FLEC-FAC). Excluded from those at risk are individuals formerly associated with the pro-government FLEC-Renewal (FLEC-Renovada) or Antonio Bembe.’ (para 136)

1.3.7 Persons from Cabinda province will not generally be perceived as having a political affiliation with the non-state armed group FLEC merely because of the fact they come from Cabinda province. Therefore Cabindans who have no perceived links with FLEC are not likely to be at risk of persecution in Angola simply because they are from Cabinda.

1.3.8 A person who claims they are at risk of persecution because of their perceived political opinion and links with the FLEC will need to demonstrate such an affiliation based on the particular circumstances and facts relating to their claim for protection.

1.3.9 A person of Cabindan origin returning to Angola is reasonably likely to be detained (with the accompanying risk of ill-treatment) only if he or she has a history of active involvement with FLEC (or one of its factions, such as FLEC-PM or FLEC-FAC – excluded from those at risk are individuals formerly associated with the pro-government FLEC-Renewal (FLEC-Renovada) or Antonio Bembe).

1.3.10 Where a person has a history of active involvement in FLEC decision makers must consider whether such a person be excluded from international protection due to acts they committed during the internal armed conflict in Angola.

1.3.11 If there are serious reasons for considering that a person was involved in or associated with acts which amount to human rights violations as outlined under 1f of the Refugee Convention, decision makers must consider whether one of the exclusion clauses is applicable, seeking advice from a Senior Caseworker if necessary. Where a person is excluded from protection under the Refugee Convention they are also excluded from Humanitarian protection but if there is a real risk of a breach of Article 3 ECHR or Article 15(c) of the Qualification Directive they may be entitled to Discretionary leave or Restricted leave.

1.3.12 See Country Information: Human rights situation for Cabindans (including supporters of FLEC)

1.3.13 See also the Asylum Instruction on:

- [Exclusion](#)

Is return to Cabinda province / internal relocation generally possible for persons from Cabinda?

1.3.14 The case of [MB Angola](#) found that: ‘There are no obstacles in a returnee to Luanda airport making an onward journey to Cabinda. ... The finding in FP that travel to Cabinda from Luanda is excluded as a practical possibility is no longer correct. ... A person’s Cabindan origin will not, in general, preclude him from living or working in Luanda or some other part of Angola.’ (para 134 and 137)

1.3.15 Persons from Cabinda province have in general a freedom of movement between all the provinces in Angola, including Cabinda.

1.3.16 See also the Asylum Instruction on:

- [Internal Relocation](#)

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## 1.4 Policy Summary

- 1.4.1 Persons returning to Angola who are from Cabinda will be subject to normal security checks on arrival. These do not amount to a breach of Article 3 of the ECHR.
- 1.4.2 Persons from Cabinda province will not generally be considered to have an imputed political affiliation with the non-state armed group FLEC, merely because of the fact they come from Cabinda province.
- 1.4.3 A person who claims they are at risk of persecution because of their perceived political opinion and links with the FLEC will need to demonstrate such a political affiliation based on the particular circumstances and facts relating to their claim for protection. A person of Cabindan origin returning to Angola is reasonably likely to be detained (with the accompanying risk of ill-treatment) only if he or she has a history of active involvement in FLEC (or one of its factions, such as FLEC-PM or FLEC-FAC – excluded from those at risk are individuals formerly associated with the pro-government FLEC-Renewal (FLEC Renovada) or Antonio Bembe).
- 1.4.4 In such cases decision makers must consider whether such persons should be excluded from international protection because of acts they may have committed in the civil war in Angola.
- 1.4.5 Persons from Cabinda province have in general a freedom of movement between all the provinces in Angola, including Cabinda.
- 1.4.6 Where a claim falls to be refused, it should be considered for certification as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

See also the Asylum Instruction(s) on:

- [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)
- [Humanitarian Protection](#)
- [Discretionary Leave](#)

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## Section 2: Information

Date Updated: 24 December 2014

### 2.1 Security situation in Cabinda

- 2.1.1 The conflict in the province of Cabinda began in 1975 between the Angolan government and non-state armed group FLEC (Front for the Liberation of the Enclave of Cabinda) over control over resources and succession from Angola (Heidelberg Institute for International Conflict Research, Conflict Barometer 2013 (HCB 2013)).<sup>1</sup> Although a peace agreement was signed in August 2006<sup>2</sup> between the Angolan government and the Cabindan forum for dialogue<sup>3</sup>, according to the HCB in 2013 the situation in Cabinda was characterised as a 'dispute' (i.e. conflict rating of 1 meaning non-violent and of low intensity conflict).<sup>4</sup>
- 2.1.2 In the province of Cabinda the Angolan Armed Forces (AAFA), who have some responsibilities for domestic security, carried out in 2013 small scale actions against FLEC in Cabinda. (US State Department Report on Human Rights Practices, 2013, Angola (USSD))<sup>5</sup> According to the USSD, there were reports of police or military presence at community meetings with international NGOs in Cabinda.<sup>6</sup>
- 2.1.3 The Angolan Ministry of Justice and Human Rights in a letter undated circa January 2014, confirmed that since the Memorandum of Understanding signed in August 2006, Cabinda was at peace and the war with FLEC was over. The source noted that members of FLEC had been integrated into various organisations including the Angolan Armed Forces, the National Police, the Central and Provincial Government.<sup>7</sup> The British Embassy in a cover letter dated 22 January 2014 noted that the Embassy was aware that members of the Angolan Government were from Cabinda and included former members of FLEC. The Embassy letter highlighted that it was particularly relevant that the Secretary of State for Human Rights was from Cabinda.<sup>8</sup>

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<sup>1</sup> Heidelberg Conflict Barometer 2013, published February 2014, p.45, [http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer\\_2013.pdf](http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer_2013.pdf), date accessed: 23 December 2014

<sup>2</sup> Human Rights Watch World Report 2014, Angola, 21 January 2014, <http://www.hrw.org/world-report/2014/country-chapters/angola>, date accessed: 23 December 2014

<sup>3</sup> Letter from the Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights, undated (circa January 2014), Annex C

<sup>4</sup> Heidelberg Conflict Barometer 2013, published February 2014, Methodology, p.9 and p.45, [http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer\\_2013.pdf](http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer_2013.pdf), date accessed: 23 December 2014

<sup>5</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, date accessed: 23 December 2014

<sup>6</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, date accessed: 23 December 2014

<sup>7</sup> Letter from the Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights, undated (circa January 2014), Annex C

<sup>8</sup> Letter from British Embassy in Luanda, 'Angola – Cabinda province', 22 January 2014, Annex D

## 2.2 Human rights situation for Cabindans (including supporters of FLEC)

2.2.1 UNHCR Angola confirmed in an email dated 16 December 2013 that there was no reports of ill treatment of Cabindans by virtue of being from Cabinda; nor was there evidence that young males from Cabinda were subject to mistreatment. The same source additionally confirmed that there was no evidence that persons from Cabinda were perceived as being a supporter of FLEC; on the contrary UNHCR Angola clarified that there were persons of Cabindan origin who were found to be supporting the ruling political party, the MPLA [People's Movement for the Liberation of Angola].<sup>9</sup> The British Embassy in a cover letter dated 22 January 2014 noted that the Embassy was aware that members of the Angolan Government were from Cabinda and included former members of FLEC. The Embassy letter highlighted as being particularly relevant that the Secretary of State for Human Rights was from Cabinda.<sup>10</sup>

2.2.2 Information from UNHCR Angola was largely corroborated with information provided by a country representative who worked for the NGO Search for Common Ground (SFCG) in an email dated 13 December 2013. In one response the oral source indicated that young Cabindan males living in Greater Angola would not routinely be suspected of FLEC involvement, but if they were genuinely suspected by the security services they would face scrutiny from the intelligence services, including phone tapping and email spying.<sup>11</sup> With regard to the situation in Cabinda for Cabindan civilians the oral source from SFCG noted:

'For the Cabindans leaving in Cabinda itself, the rule is quite simple: Avoid being an outspoken to the MPLA and don't be a clear supporter of FLEC. Cabinda is the smallest province of Angola yet it has the same intelligence, police, army, security forces for a standard normal province such as Luanda and for a larger city. Therefore, the province is highly controlled. If it happens that a Cabindan, leaving in Cabinda, is suspected of being a FLEC supporter and/or UNITA and/or CASA-CE supporter, the authorities will make their lives impossible ranging from blocking employment opportunities, pressures, corruption by money, interrogations and very possible imprisonments. Since Cabinda is not connected, geographically, to Greater Angolan and since the press (they is only state radio and one commercial radio and Jornal de Angola) is severely controlled, therefore such imprisonments and/or mistreatments are difficult to monitor and to report on (sic).'<sup>12</sup>

2.2.3 UNHCR Angola confirmed that there was no evidence of mistreatment of resident civilians from Cabinda who resided either in Greater Angola (i.e. outside the province of Cabinda) or within the province of Cabinda.<sup>13</sup>

2.2.4 The Angolan Ministry of Justice and Human Rights in a letter undated circa January 2014 denied any claims of mistreatment of Cabindans by Angolan security authorities.<sup>14</sup>

2.2.5 However sources did indicated reports of human rights violations in Cabinda. The US D report 2013 noted:

<sup>9</sup> UNHCR Angola, email received 16 December 2013, Annex A

<sup>10</sup> Letter from British Embassy in Luanda, 'Angola – Cabinda province', 22 January 2014, Annex D

<sup>11</sup> Email from oral source working from the NGO Search for Common Ground (views were those of the source and not from SFCG), 13 December 2014, Annex B

<sup>12</sup> Email from oral source working from the NGO Search for Common Ground (views were those of the source and not from SFCG), 13 December 2014, Annex B

<sup>13</sup> UNHCR Angola, email received 16 December 2013, Annex A

<sup>14</sup> Letter from the Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights, undated (circa January 2014), Annex C

‘Several civil society and political party representatives reported incidents of security forces detaining Cabinda residents suspected of FLEC activity or collaboration. One political party representative claimed that security forces were holding at least 29 alleged FLEC members without charging them; some civil society figures put the number closer to 50. Attempts to meet with government representatives in Cabinda were unsuccessful, but several government officials publicly described conditions in Cabinda as being largely positive and peaceful during media interviews throughout the year.’<sup>15</sup> Human Rights Watch, commenting on events in 2013, noted that security forces continued to arbitrarily arrest supporters of the FLEC and use torture in military custody to force confessions or incriminate others, violating due legal process.<sup>16</sup>

- 2.2.6 According to Freedom House reporting in January 2014, ‘FLEC supporters continue to be randomly arrested in Cabinda’.<sup>17</sup> Among the stakeholder summaries of submission to the November 2014 Universal Period Review ‘FLD [Front Line Defenders] stated that in Cabinda Province, crimes against civilians were committed by both the Angolan army and the separatist guerrilla groups. The authorities often use the conflict to justify human rights violations. Under the pretext of security, military officials have arbitrarily arrested supporters of the separatist movement and lawyers who witness and document such abuses. AI [Amnesty International] stated that the authorities continued to arbitrarily arrest and detain individuals in Cabinda for peacefully expressing their view that Cabinda should not be part of Angola’.<sup>18</sup> The 2014 Bertelsmann Stiftung report which covers the period from 31 January 2011 to 31 January 2013 notes that ‘a heavy army presence has led to systematic human rights violations against perceived or real FLEC supporters, including civil society activists, journalists, and clergy members’.<sup>19</sup>
- 2.2.7 The USSD report 2013 additionally observed that ‘Mpalabanda, a civil society organization formerly based in Cabinda, remained banned. By year’s end the Supreme Court had not responded to a petition to examine the ban.’<sup>20</sup> HRW confirmed that in 2014 the security forces harassed journalists and defence lawyers, which undermined the due process of crimes of national security in Cabinda: ‘Since January 2013, Arão Tempo, a lawyer and human rights representative of the Angolan Bar, has received repeated death threats from intelligence officials warning him to stop defending ... 20 men held in Cabinda and ... 9 alleged FAZ [Armed Forces of Zaire] members.’<sup>21</sup>

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## 2.3 Freedom of movement

<sup>15</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, date accessed: 23 December 2014

<sup>16</sup> Human Rights Watch 2014, Angola, January 2013, <http://www.hrw.org/world-report/2014/country-chapters/angola>, date accessed: 23 December 2014

<sup>17</sup> Freedom House, Freedom in the World 2014 - Angola, 23 January 2014 (available at eci.net) [http://www.eci.net/local\\_link/281633/398697\\_en.html](http://www.eci.net/local_link/281633/398697_en.html) date accessed: 2 January 2015

<sup>18</sup> UN Human Rights Council (formerly UN Commission on Human Rights, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to council resolution 16/21; Republic of Angola [A/HRC/WG.6/20/AGO/3], 5 August 2014, Paragraphs 31 and 32 [http://www.eci.net/file\\_upload/1930\\_1414591611\\_g1410333.pdf](http://www.eci.net/file_upload/1930_1414591611_g1410333.pdf) date accessed: 2 January 2015

<sup>19</sup> Bertelsmann Stiftung, BTI 2014 — Angola Country Report. Gütersloh: Bertelsmann Stiftung, 2014 1. Stateness <http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Angola.pdf>, date accessed: 2 January 2015

<sup>20</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, date accessed: 23 December 2014

<sup>21</sup> Human Rights Watch 2014, Angola, 21 January 2014, <http://www.hrw.org/world-report/2014/country-chapters/angola>, date accessed: 23 December 2014

- 2.3.1 The constitution and law provide for freedom of internal movement, however, the government at times restricted these rights<sup>22</sup>. According to the US State Department in 2013 extortion and harassment at government checkpoints in rural areas and at provincial and international border checkpoints did occur in Angola, interfering with the right to travel. Extortion by police was routine in cities on major commercial routes. During the year, however, the government decreased checkpoints between provinces.<sup>23</sup>
- 2.3.2 UNHCR Angola verified that freedom of movement existed between all provinces in Angola and clarified that there was no registration process when a citizen moved from one location to another.<sup>24</sup>
- 2.3.3 An oral source who worked for the NGO Search for Common Ground (SFCG), in an email dated 13 December 2013, noted that there was a lack of data on the number of Cabindans living outside the province of Cabinda, but observed anecdotally that there were lots of Angolans from Cabinda who lived in Greater Angola, where employment opportunities were better. In Cabinda most jobs usually involved working at government institutions, for oil companies or other commercial interests.<sup>25</sup>

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## 2.4 Treatment of returnees

- 2.4.1 According to the US State Department the government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern.<sup>26</sup> The Angolan Ministry of Justice and Human Rights in a letter undated circa January 2014, stated that any asylum seeker who returned from Europe would be 'warmly welcomed'; the letter further noted that the Angolan government had set up a tripartite committee with the UNHCR to oversee the return of Angolans to the country.<sup>27</sup>
- 2.4.2 There was limited information on the treatment of returnees from the UK to Angola.
- 2.4.3 UNHCR Angola confirmed in an email dated 16 December 2013 that there is no evidence of failed asylum seekers (FAS) from Cabinda facing interrogation and ill treatment at the airport, although the individual was returning using travel documents other than a national passport. In which case the individual '... will most probably [be] submitted to interrogation, but no reported cases of ill-treatment.'<sup>28</sup>
- 2.4.4 An oral source who worked for the NGO Search for Common Ground (SFCG)<sup>29</sup>, when asked if there was any evidence to suggest that a returned Cabindan FAS will face interrogation and ill treatment at the airport, the source noted in an emailed response dated 13 December 2013:

<sup>22</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, dare accessed: 23 December 2014

<sup>23</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, dare accessed: 23 December 2014

<sup>24</sup> UNHCR Angola, email received 16 December 2013, Annex A

<sup>25</sup> Email from oral source working from the NGO Search for Common Ground (views were those of the source and not from SFCG), 13 December 2014, Annex B

<sup>26</sup> US State Department Report on Human Rights Practices, 2013, Angola, 27 February 2014, <http://www.state.gov/documents/organization/220291.pdf>, dare accessed: 23 December 2014

<sup>27</sup> Letter from the Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights, undated (circa January 2014), Annex C

<sup>28</sup> UNHCR Angola, email received 16 December 2013, Annex A

<sup>29</sup> The source clarified that the comments were his own and did not represent the views of SFCG

'Yes, Cabindans FAS will definitely and surely face interrogation at airport when returning especially if they are suspected of being clear/outspoken FLEC supporter. There will be no ill-treatment but they will be retained for days for questioning until the state intelligence "clears" them and release them. In some cases, the situation degenerated and the Cabindans FAS did get beaten and physically molested during interrogation with state intelligence officer that were looking for information. ... Cabinda FAS male are more prone to face ill-treatment.'<sup>30</sup>

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<sup>30</sup> Email from oral source working from the NGO Search for Common Ground (views were those of the source and not from SFCG), 13 December 2014, Annex B

## Annex A: Email correspondence from the UNHCR Angola, 16 December 2013

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@unhcr.org]

Sent: 16 December 2013 17:54

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: FW: Cabinda/Angola CG Case

Dear [REDACTED],

See inserted in text, some of the answers.

Best regards,

[REDACTED]

1. Are there numbers of Angolans of Cabinda origin (Cabindans) ordinarily resident in Greater Angola?

Yes, but it is unknown how many. As you know, freedom of movement exists between all the provinces of the country and there is no registration mechanism in place when one citizen moves from one province to the other.

2. Is there any evidence that these Cabindans are subject to any form of ill-treatment of any type by virtue of being Cabindans? If so what types of ill-treatment and to what degree?.

There is no report on ill-treatment against Angolan from Cabinda by virtue of being Cabindan.

3. Is there any evidence that young Cabindan males are subject to the treatment outlined in 2 above?

Same as above

4. Is there any evidence that merely by being Cabindan a person is perceived as being a supporter of FLEC?

There is no evidence of the sort. There are also Cabindan that are supporting the party in power (MPLA).

5. Is there any evidence that young Cabindan males are routinely suspected of being FLEC supporters and are therefore at risk of ill-treatment?

No, there is no evidence of the sort.

6. Please could answers be provided In respect of questions 2 to 5 for Cabindans living in Cabinda itself?

There is no evidence that all Cabindans living in Cabinda are suspected to be part of the FLEC, nor that young Cabindans are at risk of ill-treatment.

7. What language(s) do Cabindans speak?

Fiote and Portuguese.

8. How likely would language be in exposing a person to risk (if any)?

There is no report that would establish that a person from Cabinda is at risk by virtue of his/her language. Portuguese is the national language of Angola.

9. What is the procedure at the airport for the reception of failed asylum seekers (FAS) returned from Europe? I gather the Dutch have some agreement with the Angola Government on returnees)

We are not aware of particular procedures for those in possession of national passport. Those with other type of travel document such as "Salvo Conducto" are normally submitted to an interview at the airport. Essentially, the purpose of this interview is to ascertain the Angolan nationality.

10. Any evidence to suggest that a returned Cabindan FAS would face interrogation and ill treatment at the airport. If so to what degree?

There is no evidence of the sort unless the individual is returning using travel documents other than the national passport. In this case, the individual will most probably submitted to interrogation, but no reported cases of ill treatment.

11. If no general risk is there any evidence to suggest that a young male Cabindan would face a risk of ill treatment?

There is no evidence.

12. How is the internal public transportation system arranged in Angola?

- \* Are there buses?
- \* Is internal transportation generally available and affordable?
- \* What are the levels of cost involved?

Private taxis are available as well as public transportation. Public transportation are widely available and cost 100 Kwanzas for a ride, although one might need to take several taxis ("cadongues") to get home, hence might have to pay more than 100 Kwanzas.

13. Is there any evidence to indicate that person arriving by air at Luanda airport would be unable to travel or that such travel would be unduly harsh from Luanda to the port of Soyo in Angola and thence by ferry to Cabinda?

There are regular flights from Luanda to Soyo and Cabinda. We have no information in respect of the use of ferry from Soyo to Cabinda or the use of boat transportation from Luanda Soyo.

14. Please could you provide locally available information on the ferry from Angola to Cabinda including:

- \* Timings
- \* Ticket costs.

See above

15. Please could you provide locally available information on air flights the ferry from Angola (Luanda) to Cabinda including:

- \* Timings
- \* Ticket costs

In respect of flights from Lunda to Cabinda : one trip cost about 150 USD. Flight time table is as follow : 6h00 am, 11h30 am, 16h00 and 20h00. But this time table can change from one week to the other, as sometimes flight and time table varies.

16. Is there any evidence of security checks on those embarking from Soyo to Cabinda whether at Soyo or on arrival at Cabinda.

There are security checks performed on those embarking from Soyo to Cabinda and to Cabinda upon arrival, alike in all airports of the country.

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## Annex B: Email from Country Representative working for Search for Common Ground NGO, 13 December 2013

**From:** [REDACTED]@sfcg.org [mailto:[REDACTED]@sfcg.org]  
**Sent:** 13 December 2013 08:35  
**To:** [REDACTED]@fco.gov.uk  
**Cc:** [REDACTED]@fco.gsi.gov.uk  
**Subject:** Re: SFCG-Cabinda opinion

Hi [REDACTED].

Here goes the answers. I would like to disclaim that they represent my opinion and not Search for Common Ground's position and/or opinion in relations to the questions made. Please let me know if you have further inquiries. It will be my pleasure to be of service.

1. Are there numbers of Angolans of Cabinda origin (Cabindans) ordinarily resident in Greater Angola?

*Answer: No, there are no numbers of Angolans of Cabinda origins resident in Greater Angola. Such numbers ought to be provided by the ministry of interior but there is no official numbers. The census, forecasted for 2014, will provide hopefully those numbers. Nevertheless, lots of Angolans from the Cabinda province leave in Greater Angola where employment opportunities are better. The rest remaining in Cabinda usually work for the governmental institutions, oil companies or perform commerce with neighboring countries.*

2. Is there any evidence that these Cabindans are subject to any form of ill-treatment of any type by virtue of being Cabindans? If so what types of ill treatment and to what degree?.

*The ordinary Cabindans living in Greater Angola are not subject to any kind, form of any type of ill-treatment for being Cabindan except for the normal sincere rivalry and camaraderie amongst native of different provinces as it would occur in any country.*

3. Is there any evidence that young Cabindan males are subject to the treatment outlined in 2 above?

*There is no ill-treatment performed on male Cabindan living in Angola. Therefore, no evidence is applicable*

4. Is there any evidence that merely by being Cabindan a person is perceived as being a supporter of FLEC?

*Being a Cabindan person makes the individual perceived as being a supporter of FLEC although Cabinda is also a strong hold of the MPLA or at least the MPLA try to make it appear as such. Nevertheless, the FLEC is a very restricted movement and is a military organisation. To my personal interaction with Cabindans in general, mostly are not FLEC supporters or at least supporters of their manners. However, in general any Cabinda is more prone to be inclined to the separatism ideas promoted by the FLEC although a high percentage of the population still also support continued ties with greater Angola. But, no, there evidence a Cabindan is perceived as being a supporter of FLEC.*

4. Is there any evidence that young Cabindan males are routinely suspected of being FLEC supporters and are therefore at risk of ill-treatment?

*No, the young Cabindan males are not routinely suspected of being FLEC. Nevertheless, if they are suspected of being FLEC supporters, they will face scrutiny from intelligence services (phone tapping, email spying) and pressure from the MPLA propaganda (job offer, psychological pressure, money etc).*

5. Please could answers be provided in respect of questions 4 and 5 for Cabindans living in Cabinda itself?

*For the Cabindans living in Cabinda itself, the rule is quite simple. Avoid being an out-spoken to the MPLA and don't be a clear supporter of FLEC. Cabinda is the smallest province of Angola yet it has the same intelligence, police, army, security forces for a standard normal province such as Luanda and for a larger city. Therefore, the province is highly controlled. If it happens that a Cabindan, living in Cabinda, is suspected of being a FLEC supporter and/or UNITA and/or CASA-CE supporter, the authorities will make their lives impossible ranging from blocking employment opportunities, pressures, corruption by money, interrogations and very possible imprisonments. Since Cabinda is not connected, geographically, to Greater Angolan and since the press (they is only state radion and one commercial radio and Jornal Angola) is severely controlled, therefore, such imprisonment and/or mistreatments are difficult to monitor and to report on.*

7. What languages do Cabindans speak?

*Normally, the Angolan people in Cabinda Province do speak Portuguese as well as the local language such as Ibinda, Kibinda and the languages of the two Congo: Lingala and French. There is a high percentage of Angolans from Cabinda province that speaks fluent French due to their emigration to the Congo during the civil war of Angola. The newer generation normally does not speak French but have a basic understanding of it.*

8. How likely would language be in exposing a person to risk (if any)?

*None. You can easily speak the language of your choice in the Cabinda province. Due to the high presence of foreigners, English is used as well. The local population is somehow more familiar with English and French (also due to the migrants of West Africa) than in Greater Angolan. But if you are a visiting diplomat or representative of a foreign government, it is best to be accompanied with a local person who will make the translation for you.*

9. What is the procedure at the airport for the reception of failed asylum seekers (FAS) returned from Europe? I gather the Dutch have some agreement with the Angolan Government on returnees)

*I am not qualified to answer this question and have no information on this procedure.*

10. Any evidence to suggest that a returned Cabindan FAS will face interrogation and ill treatment at the airport. If so to what degree?

*Yes, Cabindans FAS will definitely and surely face interrogation at airport when returning especially if they are suspected of being clear/outspoken FLEC supporter. There will be no ill treatment but they will be retained for days for questioning until the state intelligence "clears" them and release them. In some cases, the situation degenerated and the Cabindans FAS did get beaten and physically mistreated during interrogation with state intelligence officer that were looking for information.*

11. If no general risk is there any evidence to suggest that a young male Cabindan would face a risk of ill treatment?

*Cabinda FAS male are more prone to face ill-treatment*

12. How is the internal public transportation system arranged in Angola?

- Are there buses, taxis etc? *There are taxis mostly: both public and private taxi. It is recommended to hire a private taxi and negotiate a fare per day and/or for the duration of the stay. Recommended also to hire a driver authorized to drive in all the province with you and can speak at least one local language, besides Portuguese. SFCG can provide references.*
- Is internal transportation generally available and affordable? *Internal transportation is available and affordable. Make sure that you have authorization from government to travel in municipalities other than the Cabinda province. The transportation is safe and the transportation personnel quite courteous in relation to the Luanda one. It is highly recommended to have a driver that can drive in the other municipalities.*
- What are the levels of cost involved? *It is all based on negotiation with a private owner of the car with the car rental company. The average price with driver cost is between 10,000-12,000 Kwanzas for a standard SUV car.*

13. Is there any evidence to indicate that person arriving by air at Luanda airport would be unable to travel or that such travel would be unduly harsh from Luanda to the port of Soyo in Angola and thence by ferry to Cabinda?

*Answer: that is impossible so far. You can take the air-taxi shuttle from Soyo to Cabinda but the best way is to travel directly from Luanda to Cabinda with one of the airline. We recommend TAAG. For TAAG, please use always the first daily flight or last daily flight to/from Cabinda. Those ones are never canceled whereas the second or third services are often schedule due to plane delay or lack of passengers. Since the first one occurs at 6am and the last one at 20h40pm, it gives enough time to work during a full day.*

14. Please could you provide locally available information on the ferry from Angola to Cabinda including:

- Timings: *there is no ferry (water transportation from Soyo to the Cabinda city)*
- Ticket costs: *Not applicable*

15. Please could you provide locally available information on air flights the ferry from Angola (Luanda) to Cabinda including:

*Answer: there is a typo in your question. I think you meant flight. For the flight, please check out the [www.taag.com](http://www.taag.com) website and then the domestic routes schedule. But normally there are three flight to/from Luanda to Cabinda: a ) 6:40am b) 11am c) 6pm. The flight takes about 45-50 minutes and then takes off back to Luanda. The prices ranges on the classes, air fare basis etc. The average price for a round trip ticket from Luanda to Cabinda is 25,000 Kwanzas.*

- Timings?
- Ticket costs

16. Is there any evidence of security checks on those embarking from Soyo to Cabinda whether at Soyo or on arrival at Cabinda.

*Regular check and standard internationally accepted safety check occurs*

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## Annex C: Letter from Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights, undated (circa January 2014)

Translation

From: Ministry of Justice and Human Rights, Cabinet of the Secretary of State for Human Rights

Dear Mr. Ambassador of the United Kingdom

Richard Wildash

Excellency,

In response to your letter dated 12 December requesting information about the return from United Kingdom to Angola of former refugees and asylum-seekers particularly Angolan cases where those Angolans are citizens of another country.

We would like to inform the Directorate of Immigration of the British Home Office the following:

1. On 1 August of the year 2006, the Memorandum of understanding for “Peace and Reconciliation in the Cabinda Province” was signed in the city of Namibe between the Angolan Government and the Cabindan forum for dialogue,.

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Since then Cabinda is at peace. The war is over. The ex-military and members of FLEC (Frente Libertação de Enclave Cabinda – Cabinda Enclava Liberation Front), have been integrated into the Angolan Armed Forces, the National Police, the Central and Provincial Government; the Angolan Embassies accredited worldwide and in public companies of the Republic of Angola. Any claims of maltreatment of Cabindans by Angolan security authorities are false.

2. Angolan refugees or those exiled in different countries of the world because of the war are returning to the country including Cabindans, however, no one is considered a FLEC member.
3. Nowadays we don't talk about defenders of FLEC because, the current context does not allow in any neighbouring country structured groups of FLEC to present a threat to Angola or whose activities could bring the Government of Angola to retaliation.
4. Any asylum seeker who returns from Europe is welcomed warmly. However, the Angolan State has created a tripartite committee in charge of this matter and that is working with the United Nations High Commissioner for refugees in collaboration with the country of asylum.
5. The treatment is equal for all Angolans from Cabinda to Cunene. Those whom reside outside of Angola have other perceptions. For this reason, many Angolans make visits to Angola before finally deciding to return.

## Annex D: Letter from the British Embassy in Luanda, Angola, 22 January 2014



Embaixada Britânica  
Luanda

22 January 2014

### ANGOLA – CABINDA PROVINCE

At the request of colleagues in the Home Office, the British Embassy in Luanda approached a number of different organisations in Angola during the latter half of 2013 to clarify if there was any specific risk to Angolans returning to Angola who were originally from the province of Cabinda. These organisations included the Angolan Ministry of Justice and Human Rights, the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and Search for Common Ground (SFCG).

Attached are responses from the Secretary of State for Human Rights in the Ministry of Justice and Human Rights, the UNHCR and SFCG. The responses are self-explanatory but it is worth adding that the British Embassy is also aware that members of the Angolan Government are from Cabinda and include former members of the Front for the Liberation of the Enclave of Cabinda (Portuguese: Frente para a Libertação do Enclave de Cabinda, FLEC). It is particularly relevant that the Secretary of State for Human Rights is from Cabinda.

We approached IOM in late November 2013 and although they felt unable to answer our questions, they advised us that they were not aware of any evidence of violence or persecution in Cabinda. 'As things stand now', and that they were aware that people from Cabinda were returning to Angola from Switzerland and Finland.

SFCG is a Non-Governmental Organisation (NGO) with offices in Luanda and Cabinda which was established in 1996 to support the peace and reconciliation process in Angola through activities with media, civil society, community members and the Angolan government. The response from SFCG represents the views of the author, Karl-Frédéric Paul, the Country Representative for SFCG rather than the organisation itself.

This letter has been compiled by staff of the British Embassy in Luanda entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author nor any policy of the Foreign and Commonwealth Office. The author has compiled this letter in

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response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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## Annex F: Caselaw

**MB (Cabinda risk) Angola CG [2014] UKUT 00434 (IAC)**, heard 14 May 2014, promulgated 8 September 2014

The Upper Tribunal held that:

### Country Guidance

1. FP (Return – Cabinda – Non-Luandan) Angola CG [2003] UKIA 00204 no longer provides an accurate assessment of country conditions. It ceases to be country guidance.
2. There is significant evidence of human rights abuses, including within Cabinda and affecting Cabindans, problems of arbitrary arrest and detention, ill-treatment in detention, poor prison conditions, restrictions on freedom of expression, government action against protest and limitations in the legal system and security laws. However, these problems do not render all those returning to Angola or Cabinda to be at risk of serious harm, whether or not they are Cabindans.
3. Unless there exists a situation in which there is generalised violence or armed conflict at a very high level (which is not the case here) in order to establish a real risk of harm, an individual has to establish that, by reason of circumstances as they relate to him, there is a reasonable likelihood he will come into contact with the authorities in a way that will result in his detention.
4. The Angolan authorities do not equate being a Cabindan with being a member of or supporter of the Front for the Liberation of the Enclave of Cabinda (FLEC).
5. The evidence fails to establish that FLEC currently operates at a level such as to represent a real threat to the Angolan authorities although they are keen to take measures to ensure that there is no resurgence of its activities. Nor does the evidence establish that FLEC reflects the views and aspirations of a majority of Cabindans, notwithstanding the fact that the Cabindan sense of social identity remains very strong and separation from Angola remains an aspiration shared by many. The Angolan authorities readily understand the distinction between FLEC membership or support and Cabindan self-assertion.
6. There is clear evidence of normal security checks at airports, including Luanda airport on arrival. Those checks are likely to be thorough and directed towards establishing the identity of the person entering the country.
7. There are no obstacles in a returnee to Luanda airport making an onward journey to Cabinda. The finding in FP that travel to Cabinda from Luanda is excluded as a practical possibility is no longer correct.
8. Language is a distinctive method of identification but identification as a Cabindan is not sufficient to establish a real risk.
9. A person of Cabindan origin returning to Angola will not in general be at real risk of ill-treatment by reason of his or her Cabindan origin. Such a person is reasonably likely to be detained (with the accompanying risk of ill-treatment) only if he or she has a history of active

involvement with FLEC (or one of its factions, such as FLEC-PM or FLEC-FAC). Excluded from those at risk are individuals formerly associated with the pro-government FLEC-Renewal (FLEC-Renovada) or Antonio Bembe.

10. A person's Cabindan origin will not, in general, preclude him from living or working in Luanda or some other part of Angola.

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## Change Record

Version	Date	Change References
1.0	09/01/2015	First version of updated template.

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