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CIREA 29

## DECLASSIFICATION

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of document: ST 7472/99 ADD 1 RESTREINT  
dated: 17 January 2000  
new status: Public  
Subject: Questionnaire on the situation in Angola

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 17 January 2000**

**7472/99  
ADD 1**

**RESTREINT**

**CIREA 29**

**NOTE**

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from: The General Secretariat  
to: CIREA  
Subject: **Questionnaire on the situation in Angola  
(Telex No. 622 dated 10.02.99)**

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Delegations will find attached the English version of the German reply to the above-mentioned questionnaire.

## GERMANY

### 1. Member States' statistics for each year during the period 1993 to 1998 <sup>(1)</sup>

- Number of asylum applicants from Angola
- Number of asylum applicants from Angola refused
- Number of asylum applicants from Angola granted refugee status
- Number of asylum applicants from Angola permitted to remain on humanitarian or other grounds

Period	Applications received			Decisions				Obstacles to expulsion in accordance with Sec. 53 Aliens Act (**)
	Total	Initial applications	Total	Applications recognised	Protection against expulsion in accordance with Sec. 51 Aliens Act (*)	Applications refused	Other action taken	
1993	1 054		1 210	8	–	865	337	–
1994	594		2 027	32	–	1 679	298	–
1995	648	481	926	17	7	664	238	62
1996	764	512	904	15	2	592	295	28
1997	653	375	604	17	6	329	252	7
1998	528	288	570	5	6	331	228	34

(\*\*) The existence of protection against expulsion under Section 51 of the Aliens Act has been indicated separately since 1995. If the presence of conditions is established irrefutably, the person concerned likewise enjoys the status of statutory refugee within the meaning of the Geneva Convention.

(\*\*) The existence of humanitarian obstacles to expulsion under Section 53 of the Aliens Act has been indicated separately since 1995. The person concerned is normally granted leave to remain (no right of residence, merely suspension of expulsion arrangements).

<sup>(1)</sup> Statistics of the Federal Office for the Recognition of Foreign Refugees; statistics are compiled only on decisions of the Federal Office, not on those of the courts.

– **Number of Angolan asylum applicants refused and returned to their country of origin or to a third country**

In the period from 1995 to 1998 the number of repatriations recorded by the Federal Border Guard was as follows:

1995 =	57 persons
1996 =	95 persons
1997 =	77 persons
1998 =	100 persons

No distinction is made in the Federal Border Guard's statistics on repatriation between refused asylum applicants and other aliens.

**2. Details of applications submitted by Angolan citizens**

**(a) Applicant profile**

(The following information is based on a recent survey conducted in the branch offices of the Federal Office for the Recognition of Foreign Refugees.)

– **Male**

– **Female**

Up to 80% of applicants are male.

– **Average age**

Apart from minors, applicants are aged mainly between 30 and 35.

– **Marital status**

Most applicants are single, only women are for the most part married.

– **Left the country alone or accompanied by family**

Women are almost without exception accompanied by their children. Men, on the other hand, left the country alone.

– **Relatives in the host country**

The husband/father is frequently already in the host country.

– **Minors**

The proportion of minors is relatively small.

– **Unaccompanied minors**

Children mainly travel with their mothers. Unaccompanied minors are therefore rare.

– **Religion**

Applicants generally indicate their religion as "Catholic", exceptionally "Protestant" or as belonging to the "Jehovah's witnesses".

- **Socio-professional origin**  
Most applicants worked as agricultural or manual workers and have little education. Members of the middle class (e.g. traders) are rare, and even fewer intellectuals (e.g. journalists) or military personnel appear among the applicants. Female applicants generally indicate "housewife" as their occupation.
  - **Region of origin**  
Almost all applicants come from or were last resident in Luanda and vicinity. Cabinda is also mentioned, as is Huambo in a few cases.
  - **Ethnic group**  
Apart from the "Bakongo", which is the ethnic origin generally mentioned, applicants occasionally belong to the "(Em)Bundu" or "Bussuku" people.
- (b) **Reasons given**
- **Membership of a party or political organisation or trade union**
  - **Political activities**  
Applicants who refer to political activities state that they are active on behalf of the FLEC/FNLA, UNITA or MPLA or sympathise with one of these groups. A prominent position in one of the parties is rarely claimed. More often applicants say they are related to politically exposed persons and fear persecution measures in consequence thereof. Many applicants say they have distributed leaflets or attended meetings.
  - **Political activities in exile**
  - **Situation of ethnic minorities**
  - **Ethnic conflicts, including statelessness**  
Only Bakongos invoke political activities in exile or sympathy for MAKO or FFAKO. They also frequently refer to their ethnic origin and difficulties resulting therefrom. Statelessness is not mentioned as a ground for seeking asylum.
  - **Religious affiliation**  
Fear of persecution because of affiliation to a particular religion is not generally claimed.
  - **Refusal to perform military service/desertion**  
Resistance to military service or desertion has to date hardly ever been given as a reason for seeking asylum. However, following recent events in Angola, since around the beginning of this year, this seems to be changing. Bakongos say that they have deserted the national army as they did not wish to fight against their own ethnic group.
  - **Threatened by non-State entities**  
Some applicants claim to feel threatened by UNITA rebels.

- **Prisoners**  
Imprisonment is more often mentioned than resistance to military service or desertion. In some cases reference is made to Cabinda prison as the place of detention and applicants maintain that they obtained release by offering bribes.  
Former detainees report torture, beatings and sexual harassment in prison and fear a return, inter alia because they escaped.
  - **Other reasons (e.g. other human rights violations)**  
In addition to a basic fear on account of the general situation/civil war, the high crime rate is felt to be a threat.  
The few unaccompanied minors explain that they have been orphaned and thus have no possibility of survival in their country of origin.
- (c) **How did the applicant leave his country of origin?  
(specify place of origin)**
- **Who made the arrangements for departure?**  
In the main, relations, friends or acquaintances (e.g. businessmen) prepared the departure. It is also claimed that the party or church took care of such matters.  
The services of facilitators are generally enlisted.
  - **What services were provided by a facilitator?**  
With a few exceptions, applicants left their country of origin by air, accompanied by the facilitator.  
He organised the journey and also provided the necessary documents (forged passports) which had to be surrendered again on arrival in the country of destination.  
After passing the airport controls, the facilitator directs the applicant either to a contact person or the assistance of strangers is sought to make the asylum application.
  - **How much was paid and who provided the funds?**  
Funding generally comes also from relations, friends, the church or party.  
Specific details of costs were hardly ever given, in isolated cases amounts of between \$5 000 and 10 000 are quoted.
- (d) **Route taken when and after leaving the country of origin?**
- **Means, routes and border crossings when leaving Angola**  
The vast majority of applicants leaves Angola by plane (Luanda) for Russia (Moscow), South Africa (Johannesburg) or Portugal (Lisbon); more rarely, flights to France (Paris), Belgium (Brussels) or Germany (Frankfurt) are used.  
A few travel by ship to Portugal or leave their home country overland, also heading for Portugal or South Africa.

- **Means, routes and border crossings after having left Angola**  
In the case of departure by plane, one of the main routes leads to Moscow and on from there either overland (Europabus) or again by plane to Germany.  
South Africa is left only by plane (Lufthansa).  
From Portugal applicants travel on to Germany both by plane and overland (often by Europabus).  
In addition to Lufthansa, airlines frequently mentioned are Aeroflot, TAAG and TAP.
- **Documents presented at border controls**  
Many are apparently unable to give details as the facilitator has taken care of everything.  
Some have presented passports (including forged ones) which ultimately, however, have to be handed over to the facilitator.
- **Shorter or longer stay in other countries**  
A stay of up to a week in Moscow is typical; in isolated cases, however, the stay may be as long as a year and a half.  
Short stays of a few days are made in all transit States, particularly Schengen States.
- (e) **Documents produced in support of the applications**
  - **Type of documents produced by the applicants**
  - **Identity papers**  
In exceptional cases passports are presented, but mainly identity cards, birth certificates and, more rarely, a driving licence, service card or military passport/military service card.
  - **Documents in support of persecution claim**  
Such documents are practically never presented; in exceptional cases they were usually warrants for arrest.
  - **Authenticity of documents and how determined**  
Most documents from the country of origin show mainly signs of forgery, e.g. dates of birth tampered with or photos affixed subsequently.
  - **At what stage of the procedure are documents produced as evidence?**  
Both during the asylum procedure at the Federal Office (at the time of submitting the application or at the interview) and during administrative court proceedings.  
A party certificate, e.g. from MAKO, is often not presented until later on in the asylum procedure.
- (f) **Were applications made on entry or within the country?**  
Applications are generally made within the country.
- 3. **Assessment of applications in accordance with the Geneva Convention**  
At present, on account of the confused and unstable situation in Angola, decisions are taken only in a few, particularly clear cases. However, there is no general freeze on decision-making.  
Furthermore, applicants' claims have in the past been judged to be unreliable for the most part. Recognition under the Geneva Convention on refugees has therefore only been possible in exceptional cases.

**(a) How do you assess applications from asylum applicants that mainly invoke:****– the general situation in the country?**

Reference solely to the general situation of civil war in Angola does not normally lead to recognition under the Geneva Convention on refugees or to the granting of protection against expulsion on humanitarian grounds. In any particular case there must be still further threats to the individual.

Yet it cannot be denied that since May 1998 the security situation in Angola has increasingly deteriorated and that the fighting between the Angolan army and UNITA troops have given rise to a war-like situation in many parts of Angola. In addition, the vast majority of the population of Luanda has no access to sufficient food supplies, adequate medical care, clean drinking water or sanitation. The situation in the other parts of the country is, for the most part, even worse than in Luanda.

On account of the situation in the country, infants, small children and expectant mothers generally obtain residence status on humanitarian grounds. In addition to the poor general political, economic and social conditions in Angola, the main reason for this course of action is the high mortality rate of children aged between one and six years. According to the most recent statistics from 1997, the mortality rate lies between 25 and 30%.

**– membership of an ethnic group?**

Membership alone of an ethnic group such as the Bakongos does not normally lead to recognition under the Geneva Convention on refugees. However, where other threats are also present, the ethnic group is taken duly into account as part of the overall assessment of the case. For example, it cannot be ruled out entirely that separatist endeavours in Cabinda, but also in the northern regions of the Angolan heartland, are attributed increasingly to the Bakongos since they coincide with areas of settlement.

**– religious affiliation?**

Freedom of religion is fully guaranteed in Angola.

**– collective persecution/discrimination?**

Persecution or discrimination of certain ethnic groups which might give grounds for asylum does not occur in Angola. However, it may be established that the Bakongos tend to be under-represented in the country's ruling classes, compared with the descendants of Portuguese-African families. However, the claimed persecutions of the Bakongos have not been proven.

**– persecution performed by non-state entities (e.g. ethnically-composed militias)?**

Insofar as applicants have convincingly described that they oppose UNITA or have in some other way become the focus of UNITA's attention and have suffered, or are at serious risk of, persecution, recognition of an obstacle to expulsion on humanitarian grounds is in individual cases possible.

– **militant activities within parties opposed to the central government (if positive specify)?**

Members or sympathisers of UNITA or of one of the various autonomy movements of the oil enclave Cabinda (successor organisations of the former FLEC) are in individual cases considered for recognition under the Geneva Convention on refugees, if they have been active in an exposed situation and can substantiate their fear of harassment from the police or army on account of their involvement. In such cases too, assessments are made in the light of the general situation in Angola.

On account of the sometimes war-like situation in many areas of Angola, it is hard to differentiate clearly between interference by official authorities on the one hand and targeted State persecution on the other. Neither can a strict distinction be made, as in previous years, between mere political involvement, which – according to information obtained to date – has not been punished with government sanctions, and militant activities. Against the background of recent developments and the confused situation, the probability of becoming a victim of acts of persecution because of political activity of whatever kind has increased.

– **political activities in exile?**

If, on occasion, applicants have claimed political involvement in exile – for example, on behalf of MAKO or FFAKO, this took such a low profile that it was not possible to accept that there were grounds for seeking asylum after departure from Angola. Furthermore, no case is known at present in which a member of MAKO or FFAKO suffered persecution on his return to Angola.

– **desertion or failure to report for military service?**

Angolan law does not recognise the concept of conscientious objection. Desertion is punishable by two to eight years' imprisonment. Failure to report for military service is liable to a prison sentence of between two days to two years. Amnesty laws also apply to certain periods. If such a circumstance is indicated, recognition is normally out of the question.

– **prisoners?**

– **victims of sexual violence?**

– **torture?**

– **provisional detention?**

The conditions in the prisons mean an extreme aggravation of any term of imprisonment, which must be described as inhumane in many ways. Neither the food, nor the medical care, nor the accommodation meet the minimum requirements. The possibility of torture and sexual violence in the prisons or in the case of provisional detention cannot be ruled out. If an applicant claims convincingly that he is threatened with a sentence of imprisonment on his return to Angola, he may be granted protection against expulsion on humanitarian grounds, if the conditions for recognition under the Geneva Convention on refugees do not exist.

– **others (e.g. other human rights violations)?**

Claims whereby an applicant fears, or has suffered, persecution measures on account of being related to politically exposed persons are usually frustrated because of his lack of credibility. In addition, no information is available indicating that families are liable in Angola for crimes of one of their members.

**(b) Is there an internal flight alternative? If so, please state to which group(s) this applies, and the areas.**

An internal flight alternative is accepted in individual cases for applicants who come from the area controlled by UNITA. If the only reason given for seeking asylum is fear of persecution by UNITA, they may find protection in the government-controlled area.

**4. Cases of asylum-seekers whose relatives have requested asylum in other countries of the Union**

This is not mentioned by applicants.

**5. Eventual application of exclusion clauses (Article 1F of the Geneva Convention)**

The exclusion clauses of the Geneva Convention are not applied in German law. However, it is possible to refuse an asylum application as manifestly unfounded in accordance with Section 30(4) of the Asylum Procedure Act, if the conditions laid down in Section 51(3) of the Aliens Act, which essentially corresponds to Article 33(2) of the Geneva Convention on refugees, are present. This is the case if there are reasonable grounds for regarding the person concerned as a danger to the security of the Federal Republic of Germany or if, having been convicted of a particularly serious criminal offence, he constitutes a danger to the community.

It is true that a person entitled to asylum under the provisions of Section 51(3) of the Aliens Act may also be deported to his home country. However, deportation is suspended if there are humanitarian obstacles to expulsion in accordance with Section 53 of the Aliens Act, e.g. threat of the death penalty or acts contrary to human rights.

**6. Basic procedure for scrutinising applications:**

– **Before taking a decision, do you interview applicants systematically or selectively? In the latter case, on what criteria is the interview based?**

The decision in the asylum procedure is taken on the basis of a personal interview at which the applicant is asked systematically and comprehensively about his reasons for seeking asylum.

An interview may exceptionally be dispensed with if the content of the dossier already provides sufficient basis for him to be recognised as being entitled to asylum.

– **Has it ever happened in any of the Member States that aliens applying for asylum as Angolan nationals have turned out to be nationals of some other country?**

It does happen that applicants from other African States claim to be Angolan. In practice, however, the actual country of origin can virtually never be established.

If it is at least clear, on account of poor command of language or knowledge of the country's culture, that the applicant does not come from Angola, he is registered under "unclarified" nationality and processed. These applicants are therefore not included in the statistics on Angola.

7. **Treatment of asylum applicants whose applications are refused:**

- **repatriation to country of origin**
- **are there any special difficulties in returning applicants to their country of origin?**
- **expulsion to third country**

Repatriation of applicants is effected exclusively by air via Luanda if they do not fall under the safe third State rule. There are no particular problems with repatriation. Expulsions to third countries virtually never take place.

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