



Human Rights Watch
Submission to the Universal Periodic Review

Angola
February 2014

Key human rights concerns include persistent violations of the rights to freedom of expression and peaceful assembly; mass evictions; arbitrary arrests; unlawful killings, sexual violence and torture by the security forces; and impunity for such abuses.

In 2013 the UN Human Rights Committee urged Angola to end impunity and investigate killings, torture, ill-treatment and enforced disappearances by the security forces, among other recommendations. In April 2013, the UN High Commissioner for Human Rights visited Angola at the invitation of the government. She raised a wide array of human rights concerns, a rare spotlight on Angola's human rights record.

Angola accepted the majority of the recommendations made by during its Universal Periodic Review (UPR) in 2010, but has made little progress implementing them. Angola has taken the positive step of signing the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and its Optional Protocol, and several other human rights conventions in September 2013 – and we look forward to the prompt ratification of these treaties.

August 2012 elections

The more than three decades of rule by President Jose Eduardo Dos Santos has resulted in his party having a monopoly on power, widespread corruption, and rampant human rights abuses for which there is no accountability. The political patronage and mismanagement of state funds derived from oil means Angola's resources only benefit a small minority of the population, leaving the country with some of the poorest development indicators in Africa. Elections have offered little opportunity for Angolans to exercise their right to peacefully change their government.

On August 31, 2012, Angola held its first elections under the 2010 constitution. The elections were generally peaceful during the campaign and on polling day, yet fell short of international and regional standards for a fair vote. The playing field for political parties was uneven, with unequal access to state resources; the media was overwhelmingly dominated by the ruling Popular Movement for the Liberation of Angola (MPLA) and the elections oversight body sided with the ruling party by not taking any action when it violated electoral laws. Independent observation of the elections was seriously hampered by massive delays and restrictions in the accreditation of domestic and international observers and international journalists.

Freedom of Expression

The right to freedom of expression is severely restricted in Angola due to laws limiting private radio and television broadcasting, government censorship of state-owned media, and pervasive surveillance and intimidation of journalists, which encourages self-censorship. Only 3 percent of the Angolan population has access to the Internet, blogs and social media, which have become important for voicing dissent and

criticism of the government.

In 2010 Angola accepted the UPR recommendations “to decriminalize press offenses” and to “strengthen the protection of journalists against harassment, attacks and arbitrary detention.” However, the government made no progress in their implementation.

Defamation is a criminal offense under Angolan law. In recent years a number of journalists have been prosecuted for criminal defamation in lawsuits brought by senior government officials. Many of the legal provisions to protect media freedom and access to information are vaguely formulated in Angola’s 2006 press law, which limits the ability of journalists to criticize the government publicly without fear of repercussions. In 2013, the UN High Commissioner for Human Rights called Angolan legal provisions on defamation “a threat to investigative journalism” and added that “freedom to investigate and expose possible abuses should not be undermined by heavy-handed actions, threats and intimidation on the part of the authorities.”

The nine defamation charges that have been brought against Rafael Marques de Morais – Angola’s most prominent investigative journalist, human rights defender, and anti-corruption campaigner – are the latest attempt to silence his reporting. Marques has exposed a range of high-level corruption cases and human rights violations in his blog and pursued sensitive investigations into human rights violations in Angola’s diamond areas. The lawsuits, based on Marques’s book “Blood Diamonds” published in Portugal in 2011, were brought against him by several high-ranking Angolan generals, their civilian business associates, and two private companies. A number of generals have also lodged a civil defamation lawsuit against the author and his editor in Portugal.

Generally, journalists have increasingly come under attack and been detained, particularly while covering street protests and abuses by the state security forces. In the most recent illustration, on February 8, 2014, a court in Luanda, the capital, sentenced Queirós Anastácio Chilúvia, the deputy director of Rádio Despertar - a station owned by officials of the opposition party National Union for the Total Independence of Angola (UNITA) - to 12 months in prison, suspended for two years, for defamation and “illegal exercise of profession.” Police had arrested him on February 2 at a police station, when he tried to obtain an official police response to allegations of detainee mistreatment.

Freedom of Peaceful Assembly

Since 2011, the Angolan police and security agents have repeatedly used intimidation and excessive force to suppress peaceful protests by youth groups and war veterans, as well as several teachers’ and health worker union strikes and other protests. Protest organizers have also received death threats by phone and text message, and have been targets of abductions and beatings by unknown assailants believed to be security agents in civilian clothes. The authorities have failed to investigate such incidents, despite numerous complaints lodged by victims.

Most protesters who were arbitrarily arrested during demonstrations were released the same day without charges. In several cases, however, those arrested were denied due process and were held in pre-trial detention for long periods of time without charges, or were sentenced to prison in unfair trials. On September 12, 2011, a police court convicted 18 demonstrators arrested during a rally on September 3 to prison sentences of 45 to 90 days for alleged disobedience, damage, and the injuring of four police agents. The detainees were denied access to lawyers and family members ahead of the hearings, and defense witnesses said they were intimidated and threatened by supposed state security agents. On October 14 the Supreme Court ordered their release for lack of evidence.

Emiliano Catumbela, a 22-year-old protester arrested at a protest on May 27, 2013, was charged with bodily harm, and then attempted assassination of a police commander. He was denied access to his lawyers for several days and said he was beaten and tortured in custody. On June 25 he was released without charges.

On September 12, 2013, police agents in civilian clothes arrested Manuel Baptista Chivonde Nito Alves, a 17-year-old youth activist and protest organizer, when he collected t-shirts produced for a protest planned for September 19. He was first charged with defaming the president, based on the t-shirt slogan that called president Dos Santos a “nasty dictator,” and later of non-specified crimes against the security of the state. He was denied access to his lawyer and family members for weeks, and was held in pre-trial detention until his release on November 8 to await his trial.

Journalists and observers who sought to report on the demonstrations have been regularly threatened, and were in several cases temporarily detained and physically attacked by security agents. Most recently, on September 20, 2013, three well-known journalists—Rafael Marques, Alexandre Neto, and Coque Mukuta, were arrested, threatened and mistreated by police agents in custody after they interviewed several just-released protesters on the street.

On November 23, 2013, the authorities banned a protest organized by the UNITA party to press for justice for Isaías Cassule and António Alves Kamuningue, two protest organizers who disappeared on May 27 and 29, 2012. On the day of the protest, police arrested hundreds of opposition activists, including a member of parliament of the opposition coalition Broad Convergence for Angola’s Salvation–Electoral Coalition (CASA-CE) and other leaders, in some cases mistreating people arrested. Presidential guards also arrested a group of opposition coalition activists who were putting posters on walls on November 23, and shot and killed 28-year-old Manuel de Carvalho, an opposition activist known as “Ganga,” after the group was taken into custody.

Enforced Disappearances, Killings of Protest Organizers

António Alves Kamuningue and Isaías Cassule were separately abducted by security agents in plainclothes on May 27 and 29, 2012 after they organized a protest on May 27 in Luanda by former presidential guards and war veterans over complaints of unpaid salaries and pensions. An internal government report in November 2013 said that police and intelligence officials tortured and killed them in custody. On November 15, the then head of the domestic intelligence services (SINSE), Sebastião Martins, was dismissed, and the attorney-general’s office announced the arrest of four officials for their alleged involvement in the killings. The men have yet to be brought to trial.

Arbitrary Detentions in the Enclave of Cabinda

An intermittent separatist insurgency persists in the oil-rich enclave of Cabinda despite a 2006 peace agreement. In 2010, Angola had accepted the UPR recommendations to “step up its efforts to prevent arbitrary detentions, and to investigate all cases involving arbitrary arrest, detention and torture and bring to justice those responsible.” However the government continues to use security as a pretext to crack down on peaceful dissent. Security forces continue to arbitrarily arrest alleged supporters of the separatist guerilla movement Front for the Liberation of the Enclave of Cabinda (FLEC) and use torture in military custody to force detainees to confess or incriminate others. Defense lawyers of detainees held on national security charges, such as Arão Tempo, a lawyer and local representative of the Angolan Bar, have received repeated death threats from intelligence officials.

Forced Evictions and Violent Removals of Street Traders

During its previous UPR in 2010, Angola had accepted the recommendations to “take the measures necessary to ensure that eviction is a last resort, and to adopt legislation and guidelines that strictly define the relevant circumstances and safeguards for the moment when an eviction is carried out” and to “provide the necessary assistance to evicted persons, especially members of vulnerable groups.” However, since then, the government has continued mass forced evictions of informal settlements in areas that it claims are reserved for public use. In 2012 the government also stepped up efforts to remove street traders in Luanda. Both measures affect Angola’s poorest communities and have been conducted with unnecessary brutality.

Angola's laws do not adequately protect people from forced eviction. Between March and October 2010, the government forcibly evicted an estimated 25,000 residents from their homes in urban areas of Huila province, without adequate compensation or prior notice, and resettled them in peripheral areas without any infrastructure. Since the 2012 elections, the government resumed mass forced evictions in Luanda and in other cities. Such operations have generally occurred without adequate prior notice and have often been conducted with excessive force by security forces. In all cases, alternative housing and school and health infrastructure in resettlement areas have been insufficient. Evictions were carried out during the rainy season, inflicting additional hardship on the evicted communities.

In February 2013, security forces forcibly evicted an estimated 5,000 residents from an informal settlement in the peripheral Cacucaco municipality in Luanda. Following the evictions, security forces arbitrarily arrested dozens of residents, at least 40 of whom were charged with illegal land occupation and disobedience, and were convicted and given prison sentences.

In another recent case, the authorities started forcibly evicting an estimated 5,000 residents from two informal neighborhoods in central Luanda on January 27, 2014. The communities were transferred to several peripheral areas, including to a rural area around 90 kilometers from the center, which lacks any urban infrastructure. The Angolan housing rights organization SOS Habitat alleged that the residents were not informed about the location of the resettlement area prior to the evictions, and the authorities failed to conduct a transparent registration and planning, despite announcing the evictions one year in advance.

In October 2012 the governor of Luanda ordered urgent measures to reduce street trade in the capital. Since then, the authorities have scaled up efforts to remove street vendors from the streets of Luanda. During these operations, police and government inspectors have routinely mistreated street vendors, including pregnant women and women with children, seizing their goods, extorting bribes, threatened them with imprisonment, and in some cases arresting them. The authorities have also intimidated, harassed, and arbitrarily arrested journalists, activists, and witnesses who seek to document the brutality of the operations.

Sexual Violence and other serious abuses against Congolese migrants

Human Rights Watch research in 2011 found that members of the security forces—including border police, rapid intervention police, and immigration officials—routinely commit violence against female Congolese migrants in a number of transit prison facilities where migrants are detained before deportation, particularly in the border provinces of Cabinda and Lunda Norte. Corroborated abuses targeting women include rape, sexual coercion, beatings, deprivation of food and water, and—in some cases—sexual abuse in the presence of children and other female inmates. In a positive step since 2011, the government has undertaken efforts to build new transit prisons with more humane conditions for migrants. However, Human Rights Watch is not aware of any credible and thorough investigation and prosecution of those security forces officials who were responsible for serious human rights violations

against Congolese migrants during expulsions from Angola.

Recommendations for the Government of Angola

The government of Angola should:

- Issue a standing invitation to UN special procedures and uphold the invitations in practice; promptly ratify and implement the human rights conventions signed in September 2013.

Freedom of Expression

- Drop all defamation charges against Rafael Marques de Morais.
- Stop intimidating and harassing journalists and activists, and ensure that such incidents are promptly investigated and perpetrators are held to account.
- Review the press and other relevant laws to decriminalize defamation and related offenses, and enact all necessary implementing regulations and laws relating to the 2006 press law, in line with international standards.
- Enact legislation to establish fair and transparent licensing procedures for private radio and television, and ensure supervision by an independent body, as stated in the press law, in order to prevent discriminatory licensing practices and to enhance diversity of information throughout the country.
- Ensure that state-owned media do not broadcast messages that encourage political violence or promote limits on the rights to peaceful assembly and free expression.

Peaceful Assembly

- Fully respect the right to peaceful assembly in accordance with Angolan and international human rights law.

Arbitrary Arrests, Torture and Unfair Trials

- Ensure that anyone arrested or detained is provided full due process rights, including freedom from torture or ill-treatment, prompt access to a lawyer and family members, promptly brought before a judge, and tried in accordance with international fair trial standards.
- Provide adequate remedies, including compensation, for persons arbitrarily arrested or tortured or otherwise mistreated in detention.
- Ensure that law enforcement officers committing torture or other human rights violations against persons in their custody are appropriately disciplined or prosecuted, including all state security officials responsible for the abductions, torture and killing of António Alves Kamulungue and Isaías Cassule, and the killing of Manuel de Carvalho (“Ganga”).

Forced Evictions

- Immediately cease forced evictions carried out in violation of national laws and international human rights law and standards.
- Ensure that relocation and resettlement for public infrastructure projects respects international human rights standards.
- Investigate allegations of excessive use of force and other human rights abuses by police and state officials involved in forced evictions and bring all those responsible to justice.

- Inform the public of the results of such investigations and promptly reply to individual complaints about evictions submitted by victims to police or administrative authorities.
- Provide adequate compensation to all those individuals evicted who have not received such compensation.

Removals of street vendors

- Issue clear and public orders to law enforcement officials to cease unlawful use of force, arbitrary arrest and detention, and unlawful seizure of goods and extortion against street vendors.
- Ensure that street vendors and others who are victims of police abuses have effective remedies, and receive adequate redress and medical assistance.

Sexual violence against irregular migrants

- Carry out thorough, credible, and impartial investigations into all allegations of serious abuse by members of the security forces against irregular migrants, refugees, asylum seekers and others during past expulsions, and publish the findings.
- Discipline or prosecute those responsible, including officials with oversight responsibility, and adopt and implement a “no-tolerance policy” for sexual violence among Angola’s security forces.
- Establish effective accountability and oversight mechanisms for migrants, including complaints mechanisms, to prevent and respond to abuses in detention facilities and ensure effective protection particularly of women and children from sexual violence.
- Ensure that irregular migrants have the right to challenge the decision to expel them.
- Sign and ratify the Convention on the Protection of All Migrant Workers and Their Families, and take steps to align national legislation regarding migration with international human rights obligations.