

ANGOLA

Angola held general elections on August 31, 2012, reaffirming the ruling Popular Movement for the Liberation of Angola (Movimento Popular de Libertação de Angola, MPLA) party's position in power and for the first time awarding incumbent José Eduardo dos Santos, in power for 33 years, the presidency through a vote.

The MPLA, which has ruled Angola since 1975, secured the two-thirds majority in parliament—175 out of 220 seats—sufficient to amend the constitution without opposition support. Forty percent of eligible voters did not vote. The constitutional court rejected fraud complaints from three opposition parties for lack of evidence. The main opposition party, National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA), filed an additional complaint at the constitutional court challenging the constitutionality of acts by the national electoral commission (NCE) during the preparations of the elections. At this writing, the complaint remained pending.

The elections were generally peaceful during the campaign and on polling day, yet fell short of international and regional standards. The playing field for political parties was uneven, with unequal access to state resources; the media was overwhelmingly dominated by the MPLA and the elections oversight body sided with the ruling party by not taking any action when the ruling party violated electoral laws. As during the last national elections in 2008, independent observation of the elections was seriously hampered by massive delays and restrictions in the accreditation of domestic and international observers and international journalists.

The elections took place in a more restricted environment for the media, free expression and peaceful assembly than in 2008. Numerous incidents of violence by apparent police in plain clothes against peaceful protesters and activists in the months before the elections contributed to a climate of fear.

Elections

The CNE, despite a more balanced composition than in 2008, was not able or willing to fulfill its role as an impartial oversight body. The CNE failed to address major violations of electoral laws, including unequal access of parties to the public media and ruling party abuse of state resources and facilities. Moreover, the CNE hampered independent observation through the massively delayed, restrictive, and selective accreditation of domestic and international observers. The CNE also obstructed the accreditation of opposition officials at the polling stations, leaving up to half of opposition representatives without credentials on polling day.

The police did not act impartially during the election campaign, on several occasions arbitrarily arresting opposition activists. Most were released without charges. On the eve of the elections, police arbitrarily detained at least 19 opposition activists and others, including polling station officials and opposition representatives, as well as passersby during two protests in front of the CNE's headquarters in Luanda, the capital. While five were released without charges, fourteen people including activists of the opposition coalition Broad Convergence for Angola's Salvation–Electoral Coalition (Convêrgencia Ampla de Salvação de Angola- Coligação Eleitoral, CASA-CE), polling station officials, and passersby at a protest were jailed for three days and may face charges for allegedly having organized an illegal campaign rally.

Freedom of Media

The media face a broad range of restrictions that hamper the right to free expression and encourage self-censorship. The state media and a number of private media owned by senior officials are ruling party mouthpieces in which censorship and self-censorship are common.

In addition, the 2006 press law and the criminal code provide criminal penalties for defamation and similar offenses, such as “abuse against press freedom.” At this writing, the necessary by-laws and other complementary laws to the 2006 press law that would at least partially lift excessive administrative restrictions on private radio and television stations and allow community radio broadcasting were yet to be passed in parliament.

Journalists have been regularly arrested, detained, harassed and questioned by the authorities while trying to cover protests in Luanda and elsewhere, and have been targeted with both threats and official offers to cooperate with the ruling party. Some journalists who have criticized the government are facing criminal charges, some pending for years. In October 2011, a court imposed a one-year suspended sentence and US\$100,000 in damages on William Tonet, the director of the private weekly newspaper *Folha 8*. Tonet's appeal was pending at this writing. On March 12, police raided *Folha 8*'s office and confiscated the paper's equipment, presenting a search warrant on charges of alleged "outrage against the president," an offense under the 2010 crimes against the law, Crimes Against the Security of the State.

Freedom of Assembly

The 2010 constitution guarantees the rights to freedom of assembly and peaceful demonstration, and Angolan laws explicitly allow public demonstrations without government authorization. However, since 2009, the government has banned a number of anti-government demonstrations and the police have prevented the majority of peaceful demonstrations from taking place.

Since early 2011, a youth movement unconnected to any political party and inspired by the pro-democracy Arab Spring movements, has organized a number of demonstrations in Luanda and in the city of Benguela calling for freedom of expression, social justice, and the president's resignation. Since May 2012, another set of protests has gained momentum, staged by former soldiers from all the former armed movements in Angola. The protesters were protesting unpaid pensions and other benefits.

The authorities have responded to protests, even small-scale protests, with excessive force, arbitrary arrests, unfair trials and intimidation of journalists and other observers. Since February 2011, the ruling party has spread fear among the population by alleging that the protests could result in civil war. Such messages have an intimidating effect on the majority of the Angolan population, as a result of a decade-long civil war that ended 10 years ago.

The main perpetrators of violence during demonstrations have been groups of armed individuals who act in complete impunity and appear to be security agents in civilian

clothes. In the months preceding the elections campaign, the threats and attacks against youth protest leaders and opposition activists by these plainclothes security agents increased, appeared systematic, and included attacks against protesters in their private homes, abductions, and forced disappearances.

In one of the most violent crackdowns on peaceful protests in 2012, on March 10, a dozen plainclothes security agents armed with wooden and metal clubs, knives, and pistols, attacked a crowd of 40 demonstrators in Luanda's Cazenga neighborhood, severely injuring 3 protest organizers. On the same day, plainclothes security agents attacked two senior politicians of the opposition party Democratic Bloc (Bloco Democrático) in Luanda's city center.

In another particularly serious case, two organizers of a May 27 protest for former presidential guards who were claiming unpaid salaries, Isaias Cassule and Antonio Alves Kamulingue, were both abducted by unidentified assailants. Their whereabouts remain unknown. The police have rejected the requests of their families to investigate the abductions. In September, the local lawyer's organization Maos Livres filed a complaint with the attorney-general's office. Human Rights Watch is not aware of the attorney-general taking any action since then.

Protesters who became victims of violence, threats and abductions have since 2011 filed numerous complaints with the police against their aggressors. At this writing, Human Rights Watch was not aware of any credible police investigation into any of those cases.

Human Rights Defenders

Human rights defenders have for many years been targets for threats, intimidation, co-optation attempts, censorship, and alleged defamation in state-owned or ruling party-controlled media.

Officials have also used defamation laws to deter human rights reporting in the country. In January 2012, Manuel Helder Vieira Dias "Kopelipa," minister of state and long-term head of the president's Military Office (recently renamed Security Office), and six other generals and senior officials, all shareholders of the private security company Teleservice and the

diamond company Sociedade Mineira do Cuango, filed a defamation lawsuit in Portugal against anti-corruption campaigner and human rights activist Rafael Marques.

The lawsuit was in response to a complaint filed by Marques in November 2011 at the Angolan attorney-general's office in Luanda against 17 Angolan officials, including nine generals of the Angolan Armed Forces, alleging they were responsible for over 100 documented serious human rights abuses, including killings, rape and torture, in the diamond-rich Lunda Norte province. A Luanda court only heard four victims of abuses who testified on cases documented by Marques; the court case against the officials remained pending at this writing.

Rafael Marques has been regularly threatened for documenting cases of high-level corruption in Angola involving the presidency and a broad range of senior officials. His anti-corruption blog www.makaangola.org has suffered a series of apparently targeted "denial of service" attacks in 2011, which effectively undermined public access to the website, even if temporarily.

Mass Expulsions of Migrants

In a positive step, 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. Expulsions from the diamond-rich Lunda Norte province have been frequent, but also from other areas bordering the Democratic Republic of the Congo, such as the enclave of Cabinda. Corroborated abuses include targeting women and girls for rape, sexual coercion, beatings, deprivation of food and water and—in some cases—sexual abuse in the presence of children and other inmates.

Public Finances and Economic and Social Rights

Longstanding concerns about mismanagement of Angola's oil revenues as a key impediment to the realization of economic and social rights resurfaced in 2012. Despite high oil revenues, Angola's development indicators remain low, with high poverty levels and limited access to social services. The International Monetary Fund (IMF) revealed in

December 2011 that Angolan government spending, between 2007 and 2010, of US\$32 billion in oil revenues bypassed budget processes, audits, and other forms of public accountability. This amount, equivalent to 25 percent of the country's GDP, was spent largely by the state oil company, Sonangol.

Key International Actors

Angola remains one of Africa's largest oil producers and China's second most important source of oil and most important commercial partner in Africa. This oil wealth, soaring economic growth, and Angola's military power in Africa have greatly limited leverage of other governments and regional and international organizations pushing for good governance and human rights.

In March, the IMF issued the final payment under a 2009 emergency loan to Angola. Civil society groups had urged the IMF to withhold the financing until the government adequately explained the \$32 billion in off-budget spending from oil revenues during the loan period. They argued that making the final payment may give the impression that the IMF was not concerned about the Angolan government's lack of accountability to its citizens.