

# AJPD Human Rights Annual Report 2005

## Angola: Violation of my Rights Hidden by the Country's Peace Process and Expectations for the Next Elections

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## **I. Acknowledgements**

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## **II. Executive Summary**

1. The Justice, Peace and Democracy Association (Associação Justiça, Paz e Democracia – AJPD) is an Angolan organization, with a nation-wide focus, created in accordance with Angolan law, on May 21, 2000, in Luanda. AJPD’s main objective is to contribute to the active, conscious and responsible participation of Angolan citizens in the process of consolidation of a democratic state, the rule of law, peace, development and respect for human rights in our country.

AJPD's work also focuses on researching, documenting and denouncing violations of human rights in Angola

After the publication in December of 2005 of the Human Rights Report on the Angolan Justice System August 2000 – October 2005, now, AJPD publishes the present annual human rights report for 2005: “Angola: Violation of my Rights Hidden by the Country's Peace Process and Expectations for the Next Elections.”

After the end of the military conflict in 2002, Angola began a peace process and sought to consolidate the Rule of Law and Democracy subsequently legitimizing its institutions. In this context, Angolans are anxious about presidential elections. However, during the same period, human rights violations persist throughout the country.

Although respect for human rights is one of the basic tenets of a Democratic State and the Rule of Law, current violations of human rights in Angola raise grave concerns. The National Police frequently beat, arrest arbitrarily or illegally and commit summary executions of Angolans suspected of committing crimes. The Fiscal Police of Luanda (Fiscais do Governo Provincial de Luanda), a tax inspection force, in the name of establishing order among street vendors, frequently mistreat defenseless citizens.

Prison conditions in Angola continue to be precarious and violate national and international human rights norms. In these facilities, detainees are subject to mistreatment, torture, beatings and other humiliating and degrading treatments. At this writing, there were some 8,300 detainees in the

Angolan prison system (See, AJPD Human Rights Report on Angolan Justice System).

Police and tax inspectors are also responsible for the use of disproportionate force against citizens in the course of forced evictions – often arbitrary and illegal - and destruction of their homes. Apart from having their goods apprehended and/or destroyed, thousands of Angolans in urban centers, like Luanda, but also in rural regions, are beaten and arbitrarily arrested, in violation of the country's Norm of Administrative Procedures (Normas e Procedimentos Administrativos).

Violence against women still reaches high rates. Angolan women and girls still suffer discrimination based on family or structural practices. This is particularly worrisome in light of the absence of effective legal means to protect women's rights. For example, Angola lacks a specific legislation on sexual or domestic violence. In addition, traditional legal practices in some regions of Angola are discriminatory against women.

Angolan HIV-positive or AIDS victims also suffer from the lack of an effective national medical treatment program. Treatment and distribution of antiretroviral medication is mostly centralized in the capital, Luanda, and administered with restriction in Kunene and Cabinda. In practice, this means that HIV-positive and AIDS patients must travel to Luanda by their own means without any governmental assistance for treatment. Many HIV-positive that travel to Luanda for treatment are also subject to other disturbances that might be fatal such as distribution of medication that has already expired and the delays of their appointments due to numerous patients and the lack of material and human resources to assist them.

It is also unfortunate that despite the Angolan Constitutional and international legal guarantees of freedom of expression, Angola still finds incidents of disrespect and abuse against rights of freedom of expression, association and reunion. In addition to the reported abuses and threats against journalists in several regions of Angola, activists and members of civil society have been victims of abuse and unnecessary and arbitrary violence virtually every time they promote criticism or protests against public policies and/or public officials that violate fundamental human rights.

There are many reasons that contribute to the continuation of human rights violations in Angola.

This report does not intend to address all human rights violations in Angola during the year of 2005. We document only the abuses and violations that AJPD reported, or those related to victims or persons with whom AJPD had contact during its activities. In this report, for example, we have not included, among others, violations against the rights of children, though it is well known that Angola is among the nations where the rights of children are most frequently abused.

In this report, we include grave violations of human rights committed in several provinces but mainly in Luanda. However, this does not mean that the provinces that are not cited in this report do not present violations of rights. We do not include details of the violations committed in conflict zones; such is the case of Cabinda.

For this report AJPD visited several detention centers and interviewed hundreds of detainees, prison agents, police officers, journalists, activists

and human rights defenders, members of church groups and educators from several provinces beginning in late 2004, and throughout the year of 2005.

In this report, whenever needed, the names of witnesses and victims have been changed for their protection.

## INSTANCES OF HUMAN RIGHTS VIOLATIONS

### **III. Police Violence**

Police Violence in Angola is one of the most frequent violations of human rights. In 2005, AJPD documented more than twenty cases of arbitrary detention, illegal detention, excessive use of force and summary executions. These cases, however, cannot serve as global indicator nor as a basis for comparisons with previous years due to the lack of data for prior periods. AJPD believes, however, that the incidence of police violence has been similar in past years. Further, we recognize a trend forward intensifying abuse if the reform program of the National Police is not completed and those officials that commit violations of human rights are not identified, tried and punished.

At the same time, AJPD recognizes the effort that National Police authorities have devoted to the promotion, education and rehabilitation of its staff. Difficulties such as low salaries, delayed payments, lack of organization for positions and low salaries and the prevalence of widespread impunity contribute to the sense of dissatisfaction, abuse of power and corruption within police force.<sup>1</sup>

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<sup>1</sup> See, for example, *A Capital*, “Funcionários da Polícia Nacional não se revêem na prometida remodelação”; Luanda; March 26 to April 2; 2005.

In July, a group of officers in Benguela, including, sergeants and agents of the Third Rapid Intervention Police Unit (Terceira Unidade da Polícia de Intervenção Rápida, PIR), reported having suffered mistreatment imposed by local superintendent and commander Sebastião João “Manico”. The mistreatment included forced labor in farming and in the husbandry of cattle, pigs and goats. The officers reported that they were also subjected to threats, extortion and other punishments.<sup>2</sup>

In mid-2005, cuts in the salary of computer operators, clerical workers, agents and civil workers generated a series of protests against the National Police.<sup>3</sup> Other agents that had been expelled from the National Police for abuses and extortion also organized a public protest to question authority at the institution.<sup>4</sup>

Simultaneously, beating and other forms of abuse committed by National Police agents and tax inspectors continue to be very common. Police officers beat, tortured and even killed suspects of several types of infractions or crime without respecting the presumption of innocence guaranteed in the Angolan Constitution. Officers performed searches and arrests without judicial warrants and frequently extorted and intimidated defenseless citizens.

On December 11, 2004, Raimundo Makala, 38, was in the company of his uncle Noé Kanguilungo in the São Paulo neighborhood when police officers that reportedly monitored the activity of street vendors requested their documents. The officers supposedly pushed and punched Makala.<sup>5</sup>

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<sup>2</sup> *Angolense*, “O drama dos polícias escravos,” Luanda; July 2 to 9; 2005.

<sup>3</sup> *Angolense*, “Revolta na direcção de logística da polícia,” Luanda; June 2 to 9; 2005.

<sup>4</sup> *A Capital*, “O que persegue a mais recente onda de expulsão na Polícia Nacional?,” Luanda; June 25 to July 2; 2005.

<sup>5</sup> *Angolense*, “Popular espancado por polícias no São Paulo,” Luanda; January 15 to 22; 2005.

In February 2005, the border police of Santa Clara, a municipality of Namakunde, in the province of Kunene, allegedly mistreated and killed two young men accused of illegal commercial activity on the country border.<sup>6</sup> Three months later, on May 13, a similar incident took place in which the border police tortured and killed J.P.<sup>7</sup>

On April 19, 2005, police officers arrested António Tchahingo, a teacher in the province of Malange without a warrant and detained him for six days without questioning or trial. After the sixth day, he died allegedly for starvation.<sup>8</sup>

Police brutality is so frequent that it is widely provoked by minor offences. For example, on June 8, 2005, agents of the National Police in Kwanza Sul beat Manuel António allegedly because while driving he changed lanes without using the signal lights.<sup>9</sup>

A similar incident was documented in May when National Police beat and arrested Miguel Katanha with handcuffs. Miguel Katanha was charged with a traffic infraction while driving in the municipality of Porto Amboim, in the province of Kwanza Sul.<sup>10</sup>

In September 2005, Cláudio Paulo Sebastião, 17, a musician known as “Amizade”, was found dead after an armed group supposedly from the National Police invaded his house. Witnesses said that armed individuals

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<sup>6</sup> AJPD interview with human rights activist; Kunene; May 2005.

<sup>7</sup> AJPD interview with human rights activist; Kunene; May 2005. For more information on border police in Angola see also, “Lundas: As pedras da morte. Os diamantes fatais de Angola: Abusos de direitos humanos nas províncias das Lundas”; 2005.

<sup>8</sup> AJPD phone interview with journalist and human rights activist; Malange; April 2005.

<sup>9</sup> AJPD interview with human rights activist; Kwanza Sul; June 2005.

<sup>10</sup> AJPD interview with human rights activist; Kwanza Sul; June 2005.

stormed his house in Sambizanga, in the province of Luanda, took him out of bed and executed him by shooting him in front of a neighbors' wall.<sup>11</sup> At this writing, no police inquiry to investigate the fact had been opened.

On October 17, police officers arrested an eight-year-old boy on charges of misbehavior at school. The boy, Milkin Neto, son of Miguel Neto, a renowned Angolan radio reporter, was arrested by police officers pointing their guns while he was having lunch with his family and then taken to a police station.<sup>12</sup>

#### **IV. Prison Conditions**

Detention centers and police stations in Angola are the site of some of the most severe violations of human rights that occur in the country's transition to peace.<sup>13</sup> As recently described in a report on the Angolan criminal justice system written by AJPJ, there are several forms of abuse to which Angolans<sup>14</sup> are subjected in the prison system.<sup>15</sup>

The physical facilities of detention centers and prisons fail to meet minimal standards for holding detainees. For example, in the province of Bengo, detainees are kept in an old sugar industry plant. In other provinces detainees are kept in old storage centers that lack basic infrastructure as well as necessary adaptations. In addition, these facilities are old and lack trained

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<sup>11</sup> See, *A Capital*, "Houve engano policial ou haverá fogo debaixo do fumo?," Luanda; October 1 to 8; 2005.

<sup>12</sup> See, *A Capital*, "Agentes da Polícia invadem residência para prender um rapaz de oito anos!," Luanda; October 15 to 22; 2005.

<sup>13</sup> In Angola, police stations (esquadras de polícia) also hold prison cells.

<sup>14</sup> According to the Angola Prison Service Department (Serviços Prisionais de Angola) as in October of 2005 there were about 8,300 detainees in Angolan prisons; Luanda; October 20; 2005.

<sup>15</sup> In this report, we will not address specific problems associated with the criminal justice system such as swiftness in the trial process, lack of judges among others. For more specific information on this topic, please refer to "Relatório de Direitos Humanos: Um olhar sobre o Sistema Penal Angolano;" AJPJ, Luanda; October 2005.

personnel. Electricity and the regular supply of potable water are recurrent problems.

AJPD found, for example, that prison cells in the province of Kunene lack the most basic infrastructure to hold detainees. There, detainees are forced urinate and defecate in plastic containers. Cells do not have drinkable water and have no ventilation. Similar situation was found in the Kuvelai prison where for lack of space, many prisoners are tied to trees. The municipal prison of Kahama operates in an old storage facility of 20 square feet and a small window.<sup>16</sup>

In fact, detainees in Angola are frequently victims of overcrowding and degrading and inhuman treatment violating the UN's Standard Minimum Rules for the Treatment of Prisoners and other international human rights norms. Due to overcrowding, most detainees are forced to sleep on bare floors, including the restroom area, next to the toilet hole.<sup>17</sup> One example of the overcrowding that affects the prison system in Angola is the Luanda Central Prison (Cadeia Central de Luanda). This facility has an official capacity of 500 detainees but it currently houses some 2,800 detainees, more than five times its maximum capacity.<sup>18</sup>

The Ninth Human Rights Commission of the National Assembly documented similar condition while parliamentarians visited the military prison unit in Huíla. There, they reported that the facility had capacity for 20 detainees, but was used to hold 48 in deplorable conditions.<sup>19</sup>

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<sup>16</sup> AJPD visits to Kuvelai prison, Kunene; May 2005.

<sup>17</sup> AJPD interviews at Luanda Central Prison (Cadeia Central de Luanda); January 26; 2005.

<sup>18</sup> Angola Prison Service Department (Serviços Prisionais de Angola); Luanda; October 20; 2005.

<sup>19</sup> See, "Estado da Penitenciária Militar da Huíla é lastimável"; Available at: [www.angonoticias.com.ao](http://www.angonoticias.com.ao)

In 2005, as in the past five years that AJPD has documented abuses committed in the prison system in Angola, prison agents used torture and beatings as means of investigation and to obtain confessions.<sup>20</sup> In 2005, AJPD documented serious cases of human rights abuse including the torture of detainees in the Kwanza-Sul prison.<sup>21</sup>

Other frequent violations are the lack of appropriate provisions of food and insufficient medical assistance. In the Condueje Penitentiary, AJPD documented that detainees received only one meal a day.<sup>22</sup> On December 7, 2004, approximately seven detainees died of asphyxia in an overcrowded cell in the Muxinga prison, in the province of Lunda Norte.<sup>23</sup>

On September 2, 2005, police agents arrested Domingos Maurício, 37, a laborer in the informal sector, in his house under the allegation of illegal weapon possession. Maurício was first taken to the sub-unit of Lunda Sul and then transferred to the Command of the Seventh Division (Comando da 7<sup>a</sup>. Divisão), where he was found dead after a week of illegal detention. The official explanation is that Maurício died of tuberculosis. The medical exam performed by the National Criminal Investigation Department (Direcção Nacional de Investigação Criminal, DNIC), however, states that Domingos Maurício was a victim of traumatic shock, produced by physical aggressions with a blunt instrument.<sup>24</sup>

Another serious problem in Angola is the excessive use of preventive detention. National legislation establishes time periods for pretrial detention

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<sup>20</sup> AJPD interviews at Luanda Central Prison (Cadeia Central de Luanda); January 26; 2005.

<sup>21</sup> AJPD visit and interviews with journalists and activists that visited the prisons in Kwanza Sul; June 2005.

<sup>22</sup> AJPD interviews; Luanda; October 2005.

<sup>23</sup> Rádio Ecclésia and Rádio LAC reporting; Luanda; December 2004.

<sup>24</sup> See, official AJPD correspondence about this case; Ofício Ref. No. 775/DG; September 9; 2005. See also, *A Capital*, “Agentes da Polícia acusados de espancaram preso até a morte;” Luanda; September 10 to 17; 2005.

in Angola. However, these periods are excessively long for those supposed innocent. Suspects are also frequently held beyond the maximum period of preventive detention and charged subsequently, without recourse to judicial remedies in violation of the proper judicial procedure or required by the Preventive Detention Law (*Lei de Prisão Preventiva*).<sup>25</sup>

In addition, very few guarantees are provided to the accused during the criminal process. Specifically *habeas corpus* is rarely granted and separate cells are very rarely afforded to detainees. It is thus common for Angolan judges to deny the use of *habeas corpus* without adequate basis. Frequently those detained in pretrial detention are held in cells with prisoners that have already been convicted.

In addition, while visiting prison facilities in Angola, AJPD found that many detainees entitled to release pending trial (*liberdade condicional*) could not request this right due to bureaucratic obstacles, lack of documents or even lack of transportation or other logistics.<sup>26</sup> For example, in the Péu prison, about 90 kilometers from Ondjiva, many citizens are still incarcerated after their sentence has ended due to the lack of transportation and communication.

Although prison authorities seem to be more receptive in allowing access to detainees and visits conducted by lawyers and members of civil society, family members have complained that they are frequently victims of extortion and other forms of disrespect and abuses while attempting to visit their relatives.<sup>27</sup>

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<sup>25</sup> It violates in this manner Article 25 of the Preventive Detention Law (*Lei de Prisão Preventiva*).

<sup>26</sup> AJPD visits and interviews in the prisons in Luanda, Kunene, and Kwanza Sul; 2005.

<sup>27</sup> AJPD interview with family and relatives of detainees; Luanda; 2005.

## V. Violence against Women

Since 1986, Angola has been a party to the Convention Against All Forms of Discrimination Against Women (CEDAW). In delayed compliance with CEDAW's terms, Angola presented in 2005 its first report on the condition of women's rights in the country.<sup>28</sup> According to this report, it is clear that the situation of Angolan women is alarming. Angolan women are frequently victims of mistreatment, aggression, violation and murder. Many times, those responsible for criminal acts against women are their husbands or relatives as in the cases we cite below. In this context, we highlight the worrisome policy that does not allow the police to act in cases of domestic violence.<sup>29</sup>

Farmers and rural entrepreneurs, employing promises to make money in farms in the countryside in Angola, recruit young girls of 13 and 14 years old. Upon arrival, the girls are submitted to labor exploitation and many are forced into sexual slavery, confined to brothels and forced to participate in orgies sponsored by their bosses or visitors. Those who become pregnant are expelled from the properties and abandoned to the cultural stigma against unwed mothers.<sup>30</sup>

In the beginning of 2005, Francisca Kangula and Nhama Luísa were murdered in the province of Huíla by their respective husbands after being severely beaten.<sup>31</sup> In these two cases, at this writing, AJPD was not aware of any judicial process against the suspects.

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<sup>28</sup> Available at: [http://www.bayefsky.com/reports/angola\\_cedaw\\_c\\_ago\\_1\\_3\\_2002.pdf](http://www.bayefsky.com/reports/angola_cedaw_c_ago_1_3_2002.pdf)

<sup>29</sup> See, for example, Article 79. of the Police Law (Lei sobre a Polícia) stating that the police should not interfere with private or civil conflicts, except whenever necessary to keep the public order.

<sup>30</sup> See, correspondence of the Building Communities Association (Associação Construindo Comunidades, ACC); "Julgamento do Caso de Cárceres Privados e Torturas (Gambos) Exijamos Todos Justiça e Igualdade Perante a Lei!"; Lubango, October 2005.

<sup>31</sup> *Jornal de Angola*, "Duas mulheres morrem por espancamento no Lubango," Luanda; January 14; 2005.

The Angolan Women Organization (Organização da Mulher Angolana, OMA) registers approximately twenty cases of abuse or violence against women per day. Roughly, fifteen of these are new occurrences, while five involve repeat offenders.<sup>32</sup> This figure, however, is a small sample of the problem women face in Angola while most still underestimate their possibilities and ignore their rights.<sup>33</sup>

In fact, sexual and domestic violence against women and girls, though committed in a systematic and generalized manner is not well documented in Angola. Very few cases are presented to the police or taken to court. In general, women fear presenting their cases of sexual or domestic violence due to the strong cultural stigma attached to those who report being victim of such crimes.

In July, an incident with I.L, 22 years old shocked public opinion. I.L. denounced having been beaten by Hélder Dias dos Santos, son of the Prime Minister, Fernando Dias dos Santos. Dias dos Santos followed his victim in public, pulled her hair and threw her against an iron gate.<sup>34</sup> This incident shocked public opinion, especially because Dias dos Santos apparently later boasted of his impunity.