

# ANGOLA & ITS HR RECORDS IN 2019: ARE THERE REALLY GUARANTEES ON FREEDOMS OF THOUGHT AND EXPRESSION, OF THE PRESS AND OF ASSEMBLY?

PRESENTATION ON BEHALF OF THE INTERNATIONAL FELLOWSHIP OF  
RECONCILIATION (IFOR) TO THE UPR 34 PRE-SESSION, 9TH OCTOBER 2019

# UPR PRE-SESSIONS 34

## ANGOLA & ITS HR RECORDS IN 2019

### About International Fellowship of Reconciliation (IFOR)

Founded in response to the First World War, International Fellowship of Reconciliation – IFOR has taken a consistent stance against war and its preparation throughout its history. Perceiving the need for healing and reconciliation in the world, the founders of IFOR formulated a vision of the human community based upon the belief that nonviolence has the power to transform unjust political, social and economic structures.

The aim is to transform conflicts through nonviolent means, where systems that foster fear and hatred are dismantled, and where justice is sought as a basis for peace.

Today IFOR has branches, groups, and affiliates in over 40 countries on all continents. Principal areas of work are Nonviolence Education and Training, Climate Change, Ending Gender-based Violence, Disarmament, Youth Empowerment, Interfaith Co-operation and, particularly at the UN in Geneva, Conscientious Objection to Military Service.

IFOR has Consultative status at the UN since 1979.

# UPR PRE-SESSIONS 34

## INTERNATIONAL FELLOWSHIP OF RECONCILIATION

### ANGOLA & ITS HR RECORDS IN 2019 - **OUTLINE**

This presentation will focus on the following four groups of issues, which are of course overlapping. Many of the previous recommendations quoted could in fact have been listed under more than one of these items.

1. FREEDOM OF THOUGHT AND EXPRESSION

2. FREEDOM OF RELIGION OR BELIEF

3. FREEDOM OF THE PRESS

4. FREEDOM OF ASSEMBLY AND ASSOCIATION (PLUS THE LINKED PROBLEM OF IMPUNITY IN CABINDA AND LUANDA PROVINCES)

# UPR PRE-SESSION 34 – INTERNATIONAL FELLOWSHIP OF RECONCILIATION

## Angola and its HR Records in 2019

### 1/1 - FREEDOM OF THOUGHT AND EXPRESSION

#### Accepted recommendations from the 2nd Cycle:

**134.125. Ensure the protection of the rights of individuals – including members of civil society organizations, the media and the political opposition – to assemble and speak free from intimidation and harassment (*Canada*)**

**134.123. Fully respect freedom of expression, opinion, association and peaceful assembly in accordance with Angola's obligations under the International Covenant on Civil and Political Rights (*Belgium*)**

**134.65. Invite the Special Rapporteur on Freedom of Expression to visit Angola in order to demonstrate your commitment to foster an environment where journalists, civil society, and opposition members can operate freely and independently (*United States of America*)**

**134.127. Take measures to fully guarantee the respect of freedom of expression and of freedom of association and assembly (*France*);**

**In addition, the following recommendations were noted:**

**135.31. End the practice of using criminal defamation laws to restrict freedom of expression and peaceful assembly and association in accordance with international obligations (*United States of America*);**

**135.34. Respect the right to peaceful assembly in accordance with Angolan and international human rights law--- (*Australia*)**

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## Angola and its HR Records in 2019

### 1/2 - FREEDOM OF THOUGHT AND EXPRESSION

The arbitrary detention, harassment, torture, and even extrajudicial execution of citizens who expressed openly their opinion, particularly on such issues as rampant corruption, abuse of power and bad governance, have continued.

#### **Just two examples since the last review:**

- On June 20, 2015, „15+2“ pro-democracy activists were arbitrarily detained by security forces, for a public reading of a political book against dictatorship, and then sentenced on March 28, 2016, from two years and three months to eight years and six months for the alleged crimes of “preparatory acts of rebellion” (*Article 21 of the Criminal Code*) and “association of criminals” (*Article 263*).
- On May 10, 2019, the pro-democracy activist and former member of the group "15+2", Samussuku Tshikonde was arbitrarily detained by police officers in Luanda for 72 hours. By his own account security forces, including members of the State Security and Intelligence Service (*SINSE*), allegedly jailed him for having insulted the President in an identified video posted to his YouTube account addressing the current president, Joao Lourenco, that "activists were ready to oppose him the same way they opposed Dos Santos if he continued to target peaceful activists." Other sources report that Tshikonde and his aunt were arrested as a result of *SINSE*'s monitoring of his “online activities”.

#### **Recommendations**

- **Establish an independent judiciary system and guarantee the independence of judges;**
- **Eliminate national laws that repress the freedom of expression and opinion (*Lei 1/17 or Lei de Imprensa of January 23, and related to Lei 2/17, Lei 3/17, Lei 4/17 and Lei 5/17*);**
- **Abolish repressive security measures aimed at unlawful electronic monitoring of citizens and/or activists as well as civil society actors, who express dissent opinions.**

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## Angola and its HR Records in 2019

### 2/1 - FREEDOM OF RELIGION OR BELIEF

#### Accepted recommendations from the 2nd Cycle

134.122. Demonstrate greater flexibility and tolerance with respect to religious minorities by reforming Law 2/04 on Freedom of Religion to conform to the provisions of the Angolan Constitution, as well as international human rights obligations (*Canada*);

#### Violations of the right to freedom of religion or belief in the reporting period have included:

- the mass killings of followers of the Kalupeteka's Church, in Huambo Province, known as the „**Monte Sumi Massacre**“ of April 16, 2015,
- Angola's non-recognition of Islam as a religion, and **the mass destruction of mosques in 18 Provinces** during September 2015,
- the arbitrary **closure and destruction of more than 2.000 Churches** between October and November 2018,
- the continued **failure to amend the *Military Service Law*“ 1/93, of March 26, 1993, in order to recognise the right of conscientious objection.**

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## Angola and its HR Records in 2019

### 2/2 - FREEDOM OF RELIGION OR BELIEF

#### Recommendations –

- Expedite „truly meaningful, independent, thorough investigations“ of the „Monte Sumi Massacre“ „with a view to ensuring accountability“/to bring those responsible to justice. [in regard to the *Call for Inquiry by the UN High Commissioner for Human Rights on Angola, of 12 May 2015*– cfr. *The statement of the spokesperson*; and to the *European Parliament resolution of 10 September 2015 on Angola (2015/2839(RSP))*]
- Amend the *Law of Freedom of Religion (2/04)* to give full recognition to the religious status of the Islamic faith.

Cease forthwith the arbitrary deregistration of religious denominations and the destruction of places of worship.

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## Angola and its HR Records in 2019

### 3/1 - FREEDOM OF THE PRESS

#### Accepted recommendations from the 2nd Cycle:

**134.128. Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders, journalists and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6, 27/5 and 27/31 (*Ireland*);**

**134.124. Amend its legislation to protect freedom of expression, including freedom of the press (*Slovenia*)**

**134.126. Improve the space for free operation of independent media, including state media, reinforce monitoring and sanctioning of abuses of media legislation and create an enabling working environment for journalists (*Czech Republic*)**

**134.130. Respect, protect and promote freedom of expression of journalists, in particular with regard to the well-established international human rights principle that public officials should tolerate more, rather than less, criticism than private individuals (*Sweden*)**

**134.129. Further promote freedom of expression, association and the press (*Senegal*)**

**134.40. Address deficiencies in the legal framework of the electoral process; abolish restrictions on domestic and international observation; strengthen independence and transparency of the Electoral Commission and deal with flaws in the voters' register and with problems with the media coverage (*Czech Republic*);**

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## Angola and its HR Records in 2019

### 3/2 - FREEDOM OF THE PRESS

#### **In addition, the following recommendations were noted:**

135.33. Decriminalize press offences, and allow private radio broadcasting at the national level (*Norway*);

135.30. Ensure freedom of expression and media freedom by bringing national legislation into line with international standards, including by decriminalizing defamation and related offences in relevant national laws (*Estonia*)

135.34 ...take steps to decriminalise press offences, in line with international standards; and ensure journalists and human rights defenders are not intimidated (*Australia*).

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## Angola and its HR Records in 2019

### 3/3 - FREEDOM OF THE PRESS

On January 23, 2017, the New Media Law 1/17 entered into force in Angola, after approval by the National Assembly on August 2016. Contrary to the quoted recommendations, this Law does not improve the freedom of the press, but actually increases repression. Alongside the Law, Angola set up a Regulatory Body (ERCA), whose purpose is to exercise control of media activities in the country and to implement severe sanctioning of critical opinions.

Two days later, media organisations, among others SJA (the Independent Journalists' Union), attempted to challenge the New Media Law. The main opposition party UNITA also filed a complaint asking the Constitutional Court to make a „successive abstract review of the constitutionality of Articles 7 and 10 of Law No. 1/17“. On June 26, 2017, the Constitutional Court rejected the complaint of UNITA without substantiated legal arguments. So, the restriction on press freedom has now been reinforced since the last review.

The effects of the further stifling of opposition reporting could be clearly seen in the results of the last General Election (August 2017). (*Violation of the Art. 45 of the Angolan Constitution; Electoral Law Arts. 50 and 40*)

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## Angola and its HR Records in 2019

### 3/4 - FREEDOM OF THE PRESS

#### Recommendations

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- Rescind all provisions of the *Lei 1/17 or Lei de Imprensa (Media Law) of January 23 2017* that do not fit with the national Constitution (*Art. 14, 37 & 44 of CRA, Constituição da República de Angola*) and *International Principles (Art. 19 of UDHR, Art. 19 of ICCPR, Art. 9 of the African Charter on HR and peoples' rights)*;
- Set up a multi-stakeholder commission, including independent media organisations, to draft a media law that will enable a safe working environment for journalists in Angola.

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## Angola and its HR Records in 2019

### 4/1 - FREEDOM OF ASSEMBLY AND ASSOCIATION (PLUS IMPUNITY)

#### **Accepted recommendations from the 2nd Cycle:**

**134.134. Fully respect peaceful assembly in accordance with Angolan and international human rights law (United Kingdom of Great Britain and Northern Ireland)**

**134.132. Make procedures for registration of civil society organizations transparent, non-discriminatory and expeditious (Norway);**

**134.133. Take the necessary measures to create a safe and favourable environment for civil society by respecting the human rights of all individuals, in particular the rights to freedom of expression and association (Switzerland)**

**134.131. Respect the right of peaceful association according to its domestic law and international human rights law (Costa Rica);**

**134.137. Adopt practical measures to ensure the right to peaceful assembly guaranteeing the proportionality in the use of force by security forces (Spain);**

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## Angola and its HR Records in 2019

### 4/2 - FREEDOM OF ASSEMBLY AND ASSOCIATION (PLUS IMPUNITY)

#### **And [recommendations] on impunity:**

134.82. Step up its efforts to prevent cases of arbitrary arrests, detention and torture, and that those responsible be brought to justice (*Italy*)

134.84. Investigate and, if it is the case, put an end to cases of arbitrary arrest, illegal detentions and torture by the police and security forces (*Spain*)

134.114. Ensure that allegations of human rights violations by security forces are subjected to independent and impartial investigations and more generally take measures to strengthen the fight against impunity (*France*);

134.115. Ensure that allegations of abuse by members of security forces are investigated in a prompt, thorough, credible and impartial manner; that those responsible, including officials with oversight responsibility are disciplined or prosecuted in accordance with international standards; and that victims of abuse receive adequate compensation by the State (*Germany*);

134.116. Ensure that prompt, impartial and thorough investigations are carried out into all allegations of human rights violations by security forces and that the perpetrators are brought to justice, as accepted in the previous review (*Sweden*);

134.119. Hold security forces and other government officials accountable for human rights violations, including those involving unlawful killings, sexual violence and torture, by credibly investigating and prosecuting offenders as appropriate (*United States of America*);

134.120. Take measures to fight impunity of State agents guilty of serious human rights violations and facilitate access to justice for their victims (*Switzerland*);

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### 4/3 - FREEDOM OF ASSEMBLY AND ASSOCIATION (PLUS IMPUNITY)

On March 23, 2015, only a few days after the 2nd Cycle Review, the President of Angola published *Decree no. 74/15*, to regulate non-governmental organizations (NGOs) and associations, imposing more restrictive provisions than had existed previously.

Civil society organisations brought a legal challenge to the Decree, and on July 13, 2017 the Constitutional Court deemed it unconstitutional in *Judgement no. 447/2017*. However, the Government has not yet taken any action to comply with the Judgement.

Meanwhile the arbitrary ban handed down by the Court in 2006 against the civic and human rights association of Cabinda's Mpalabanda Province, remains in force. In this oil-rich region affected by a „low intensity war“ between government forces and separatists, civil space is effectively non-existent. The same applies in the diamond-rich Lunda Provinces, where killings, torture and excessive use of violence by state agents are common, but go uninvestigated.

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## Angola and its HR Records in 2019

### 4/4 - FREEDOM OF ASSEMBLY AND ASSOCIATION (PLUS IMPUNITY)

#### Recommendations:

- Implement the *Judgement of the Constitutional Court 447/27*, which **declared unconstitutional Presidential Decree No. 74/15 restricting the civic space in Angola**, whose adoption by the President as a member of the Executive **was a violation of the *Article 167 al. b)* of the Angolan Constitution (CRA)**;
- Abolish the bans on civic associations, including those in Cabinda, and investigate all allegations of crimes by state agents, especially in Cabinda and the Lundas;
- Eliminate all legal and bureaucratic burdens hindering the registration of civic associations (in accordance *with Arts. 22, 23.1, 26, 29, 57, 65, 67, 164 a & b), 185 and 186* of the Angolan Constitution).

# Thank you

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