



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

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UPR SUBMISSION

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Executive summary:

This submission focusses on the treatment of conscientious objectors and others who seek to avoid military service in Angola. Among the human rights concerns it identifies are:

failure to implement the legal provision allowing conscientious objectors to substitute civilian service for military service

forced recruitment

extra-judicial killings of deserters and persons attempting to escape recruitment

discrimination against those who have not performed military service

inadequate safeguards against juvenile recruitment

1. This submission was prepared in August 2009. Much of the material comes from an unpublished paper “Conscientious Objection in Context of War and Militarised Society” delivered by Emanuel Matondo of *Iniciativa Angolana Antimilitarista para os Direitos Humanos* (Angolan Antimilitarist Initiative for Human Rights) at a parallel event, co-hosted by CPTI, to the 61st Session of the Commission on Human Rights, 30th March 2005. The information has been updated from the website of the Initiative (<http://iaadh.de>) and from other sources.

Military Service in Angola

2. Angola maintains a system of obligatory military service, regulated by the Military Service Law (*Lei Geral do Serviço Militar*), No. 1/93, of 26th March 1993.

3. All male citizens are required to register for military service in the year of their eighteenth birthday. Liability to perform military service (Article 2, Paragraph 1 of Law 1/93) applies from 1st January of the year of the 20th birthday until 31st December of the year of the 45th birthday. Women with academic qualifications in certain fields are also required to register for military service (Article 24 of Law 1/93).

4. The duration of obligatory military service is two years, but this may as necessary be extended or reduced by one year on the authority of the National Assembly if “conditions of service permit”.

Recruitment

5. Each January the Ministry of Defence issues a decree calling on male citizens entering their eighteenth year to register. In 2009, for instance, the summons was addressed to all male citizens, whether or not resident in Angola, born between 1st January and 31st December 1991, and registration was required between 12th January and 28th February.

6. Although fighting continued in the Cabinda enclave against the secessionist FLAC, the end of the civil war against UNITA led to a pause in recruitment. No call-ups were issued in 2002 or 2003. In January 2004, however annual call-ups resumed, and in 2005 the summons to register was also addressed to all those born between 1981 and 1986 who had not previously registered. Those born between 1970 and 1974 (ie approaching the upper age limit) were also called upon to “regularize their military situation”.

7. There have been no reports of any suspension of recruitment following the end of the major military confrontation in Cabinda. .

Penalties for avoidance of military service

8. Under article 29 of the Military Penal Code (*Lei dos Crimes Militares*), No. 4/94, of 28th January 1994, those who fail to report for military service – including conscientious objectors - are liable to a sentence of two years imprisonment followed by military service of twice the normal length, ie. four years.

9..It has been alleged that in practice when such persons have been apprehended they have sometimes been punished by being sent into active service with no training or training of only two to four weeks. It has to be assumed that this increases the risk of a violent death.

10.Deserters may be sentenced to between two and eight years of imprisonment in times of peace and eight to twelve years in time of war. In practice it is alleged that during the civil war deserters were either summarily executed or posted to the front line.

Discrimination against those who have not performed military service

11. Under Article 1, Paragraph 3 of Law 93/1 no person may obtain public employment nor enrol in any educational establishment who has not performed any military service required of him.

Conscientious Objection

12. Many Angolans reacted to the long years of civil war with a rejection of violence and a desire to dissociate themselves from all parties to the conflicts. A number have declared their conscientious objections to military service.

13. Article 10, Paragraphs 5-7 (paragraphs 1-4 do not seem to exist) of Law 1/93 states that persons liable for military service who are conscientious objectors will

perform an appropriate civilian service, to be the subject of specific implementing regulations.¹

14. As far as is known, such regulations have never been promulgated, and no Angolan conscientious objectors have performed an alternative civilian service. Angolan antimilitarist organisations insist that conscientious objectors are not in practice released from military service, exemptions being given only to persons with disabilities or severe illness, and to students for the duration of their studies, provided that they have registered for military service.

Forced recruitment

15. In practice, both the Government and, during the civil war, UNITA have relied very heavily on forced recruitment raids, known locally as *rusgas*. The typical pattern is of house-to-house searches in the early morning, often backed up by a ban on anyone of military age leaving the country and restrictions on movement within the country.

16. It is alleged that in the course of *rusgas* doors are broken down, and the inhabitants of the searched houses frequently assaulted; occasionally there are sexual assaults on the females. Potential recruits who attempt to flee are sometimes summarily shot.

Inadequate safeguards against juvenile recruitment

17. During the war against UNITA, both sides made very extensive use of child soldiers of both sexes.. Some of those recruited in *rusgas* were as young as 14; even younger children are known to have been sometimes sent back by military commanders in the field.

18. There have been no reports of the systematic recruitment of persons under 18 since 2002; on 11th October 2007 Angola acceded to the Optional Protocol to the Convention on the Rights of the Child on children in armed conflict, thereby committing itself to refrain from the obligatory recruitment of persons aged under 18; the minimum age for voluntary recruitment had already been set at 18 by Decree No. 40/96 of 13th December 1996. However there are two features which in combination create considerable risks that juvenile recruitment may still, at least occasionally, take place in practice. One is the continued reliance of *rusgas*. The other is the very low rate of birth registration – estimated at 5%, which means that many of those seized in *rusgas* have no means of proving their age.

¹ *5 Os cidadãos nacionais do sexo masculino com idade compreendida entre os 20 e 45 anos. objectores de consciência, nos termos da lei, prestarão Serviço Militar na modalidade do serviço cívico adequado a essa situação.*

6 As disposições do número anterior são aplicáveis aos cidadãos do sexo feminino, objectores de consciência, na situação a que se refere o artigo 24.º da presente Lei.

7 O serviço cívico tem âmbito nacional e será objecto de regulamentação própria.