



UPR Submission  
Angola  
September 2009

Angola's ruling party MPLA has been in power since 1975 and the current president for 30 years. The 2008 parliamentary elections were the first since the end of the one-party state in 1991 and since the end of the civil war in 2002. The MPLA won the elections by a large margin but the electoral process was tainted by its use of state funds and the state-owned media, its partisan control of the electoral oversight body, intimidation of private media and opposition members particularly in rural areas, and obstruction of independent local observers. Angola has still not held a presidential election since 1992.

Angola's 1992 constitution—currently under review—guarantees a broad range of basic rights. However, key civil and political rights, such as freedom of expression and assembly, are still not fully respected. The environment for the media, civil society organizations and human rights defenders remains restricted. Angola is sub-Saharan Africa's largest oil producer, but is ranked 158 in the Global Corruption Perception Index 2008. Despite growing state revenues from oil and diamonds in recent years and much-publicized investment in infrastructure, the government is still far from guaranteeing basic social and economic rights, such as adequate housing, education and health for Angola's citizens and from fully disclosing how it spends its revenues.

Before being elected to the Human Rights Council in 2007, Angola voluntarily pledged to increase cooperation with the Office of the High Commissioner for Human Rights. In sharp contrast, the government unilaterally closed the High Commissioner's office in Luanda within a year of making the promise. In this submission Human Rights Watch focuses on some pervasive human rights abuses.

### **Arbitrary Detention and Torture in Military Custody in Cabinda**

An intermittent, armed separatist conflict has persisted in Angola's oil-rich enclave province of Cabinda since 1975. In 2006, the Angolan government claimed that the conflict was over after signing a peace agreement with a faction of the separatist rebels. But many local people, and the most active remaining guerrilla wing, rejected the agreement. Sporadic clashes in Cabinda's interior continue. The Angolan military presence there is proportionally higher there than elsewhere in Angola and local human rights scrutiny is restricted. On visit to Cabinda in 2004, the UN secretary-general's special representative for Human Rights Defenders, Hina Jilani, noted that freedom of association was particularly restricted. In 2006, the government banned Mpalabanda, a local human

rights organization that had previously documented military abuses, alleging it was inciting violence.

From September 2007 to March 2009, at least 38 rebel suspects detained by Angolan military and intelligence officials in Cabinda have been subjected to torture. The abuses took place in incommunicado military custody before the detainees were brought before a magistrate and taken to a civilian prison. In September 2008, a military court convicted Fernando Lelo, a civilian and former Voice of America correspondent, to 12 years in prison for alleged state security crimes. The six soldiers accused along with Lelo were severely tortured in military custody and five were sentenced to 13 years in prison. Human Rights Watch and Amnesty International monitored the trials and judged them patently unfair. Not only was a military court unlawfully trying a civilian, but in addition Lelo's co-accused soldiers were tortured to incriminate Lelo and no evidence against them was presented at court.

Human Rights Watch reported on these cases in June 2009. Since then, the government closed an unofficial detention center at the military headquarters in Cabinda, a welcome sign of commitment to improve conditions for military detainees. On August 21 2009, Fernando Lelo was released after a ruling made by the Military Supreme Court. But, the five soldiers convicted with him saw their prison sentences increased to 22 and 24 years. The positive news about Lelo risks overshadowing the plight of other lesser-known individuals charged or convicted for national security and related crimes. No independent investigation has yet taken place into the systematic use of torture and other abuses in the context of the armed conflict in Cabinda. Human Rights Watch believes that two military officers that were involved in torture cases in Cabinda were transferred to other provinces. But there is still no indication of disciplinary action or prosecutions against them.

Human Rights Watch has recently received credible reports of further detentions of rebel suspects in Cabinda. The whereabouts of some of these detainees remain unknown. This raises concerns that elements in the Angolan Armed Forces continue to violate the country's own laws and international standards by holding detainees incommunicado before presenting them to civil magistrates.

There is still no sign that earlier cases of detainees who say they were tortured in military detention have been reviewed. In early August 2009, a civil court sentenced a group of five men arrested in April 2008 to 20 years and six months in prison. They were convicted of having killed two workers in an attack for which separatist rebels claimed responsibility. The group told Human Rights Watch before their trial that they had been tortured in military custody to make them confess.

## **Restrictions on Freedom of Expression and Information**

Freedom of expression and information in Angola remain restricted. In most of Angola's 18 provinces, except the capital Luanda and some provincial capitals, ordinary citizens can only access government-controlled and strongly pro-government media organs. Censorship and self-censorship are common. Together, these severely restricted public access to independent information before the 2008 parliamentary elections. Since 2003, the government has prevented the Catholic Church's Radio Ecclesia from broadcasting beyond Luanda. The Angolan Catholic Bishop's Conference claims the radio has a valid license to broadcast nationally. Independent journalists in the provinces report numerous cases of official intimidation.

The Angolan parliament passed a new press law in 2006 with the potential to improve the media environment. However, by-laws essential for its implementation such as licensing procedures for private radio and television, have not yet been passed. The new law also has many weaknesses. Defamation continues to be a criminal (instead of a civil) offense. Other vague offenses in the law, such as "abuse of press freedom" are open to official manipulation. Since 2007, government officials have increasingly sued private media editors and journalists for libel and related offenses on dubious grounds. In July 2009, a court gave journalist Eugénio Mateus a three-month suspended prison sentence for "abuse of press freedom" after a lawsuit filed by a senior Angolan military officer. Mateus had merely criticized the performance of some armed forces' members some years earlier in the weekly newspaper *A Capital*. Angola's president recently sued the director of *A Capital* for "abuse of press freedom" for criticizing him in an article. Such litigation perpetuates a widespread culture of self-censorship in Angola and threatens the viability of private print media.

## Right to Adequate Housing

An estimated 75 per cent of Luanda's residents live in informal settlements without land title. Between 2002 and 2006, the government forcefully evicted at least 20,000 such people from Luanda's low income districts, demolishing their houses and destroying their possessions, leaving many without adequate shelter. The government appropriated the occupied areas for 'beautification projects' and public or private construction, but failed to adequately compensate or relocate many of those evicted.

In November 2008, the UN Committee on Social, Economic and Cultural Rights recommended that the government of Angola rigorously redefine the conditions under which forced evictions could be carried out, to investigate allegations of excessive use of force by security forces during forced evictions, to provide alternative housing or compensation as well as remedies to those evicted, and to guarantee that future forced evictions comply with international standards.

However, the government has yet to take such measures. In July 2009 alone, 3,000 houses in a neighborhood of Luanda were destroyed on official orders, leaving at least 15,000 poor residents homeless. Government officials had earlier instructed local residents to

leave the area—marked for public construction—but local activists told Human Rights Watch that compensation for evictees had been distributed unevenly and untransparently. The government failed to plan alternative housing for evictees in advance, and deployed an excessive security presence—including members of the Angolan Armed Forces—during the evictions. Angolan security forces also prevented affected residents from mounting a peaceful protest in front of the presidential palace. In August 2009, Luiz Araújo, the coordinator of *SOS Habitat*, a local organization that has assisted victims of forced evictions since 2003, claimed he prevented an attempted assault on his organization's offices and on him personally.

### **Recommendations**

#### Regarding Arbitrary Detention, Torture and Violations of Due Process Rights in Cabinda

- Ensure that the Angolan Armed Forces act in accordance with Angola's obligations in domestic law as well as international human rights and humanitarian law.
- Ensure that civilians are never tried by military judges, nor detained in military detention centers.
- Ensure that those held in custody are promptly brought before an independent judicial officer authorized by law, and are held only in official places of detention; that all detainees have immediate and regular access to family members and legal counsel, and that criminal proceedings are in accordance with international fair trial standards.
- Release prisoners that have been convicted in unfair trials or appropriately retry them 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 military and intelligence officers committing torture or other human rights violations against persons in their custody are appropriately disciplined or prosecuted.
- Allow independent scrutiny of detention facilities where detainees allege having been held illegally and tortured by security forces.
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and allow visits by the Protocol's Subcommittee on Prevention of Torture.

#### Regarding the Right to Adequate Housing

- Immediately cease forced evictions carried out in violation of national laws and international human rights law and standards.
- Provide assistance, including alternative accommodation and other remedies, to those affected by forced evictions, and in particular to vulnerable groups such as women, children, and elderly persons.

- Investigate allegations of excessive use of force and other human rights abuses by police and state officials and private security companies involved in forced evictions and bring all those responsible to justice.
- Urgently enact specific legislation against forced evictions. Such legislation should strictly regulate the circumstances under which evictions may be carried out, in particular: Define a reasonable and accessible process for compensation, as well as a mechanism for defining its forms and amounts; Ensure that individuals to be evicted are consulted about and informed of relocation sites well in advance of evictions and that such sites are adequately supplied with basic services from the date of relocation.
- Significantly improve land registration procedures to effectively implement Angolan legal provisions regarding regularization of informal occupancy, including granting clear rights of ownership and occupancy.
- Issue an official invitation to the UN Special Rapporteur for Adequate Housing.

#### Regarding Freedom of Expression and Information

- Enact all necessary implementing regulations and laws relating to the 2006 press law, in line with international standards.
- Review the press law in order to decriminalize defamation and related offenses, 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 equal access for all political parties and civil society to the state media at all times.
- Extend the invitation to the UN Special Rapporteur for Freedom of Expression.

## **Annex of Relevant HRW reporting**

### **[“They Put Me in the Hole”](#)**

#### ***Military Detention, Torture, and Lack of Due Process in Cabinda***

This 27-page report documents a disturbing pattern of human rights violations by the Angolan armed forces and state intelligence officials, including arbitrary and lengthy incommunicado detention, torture and lack of due process for people detained by the military in Cabinda since September 2007.

HRW ISBN No.: 1-56432-503-2

June 22, 2009

### **[Democracy or Monopoly?](#)**

#### ***Angola's Reluctant Return to Elections***

This 45-page report assesses crucial flaws in the 2008 parliamentary elections – the first since 1992 – in meeting regional and international standards, and identifies the reforms essential for free and fair presidential elections.

HRW ISBN: 1-56432-445-1

February 23, 2009

### **[Angola: Resume Negotiations with UN Rights Body](#)**

#### ***Government Seeks to Avoid Scrutiny Before Elections***

As a member of the United Nations Human Rights Council, Angola should reconsider its March 2008 order that the UN Office of the High Commissioner for Human Rights (OHCHR) in Angola cease activities by the end of May 2008, Human Rights Watch said today.

May 22, 2009

### **[“They Pushed Down the Houses”](#)**

#### ***Forced Evictions and Insecure Land Tenure for Luanda's Urban Poor***

The 103-page joint report with SOS Habitat documents 18 mass evictions in Luanda carried out by the Angolan government between 2002 and 2006. The evictions affected some 20,000 people. The security forces destroyed more than 3,000 houses, and the government seized many small-scale cultivated land plots. These large-scale evictions violated both Angolan and international human rights law, leaving their victims homeless and destitute with no access to a legal remedy.

HRW Index No: Volume 19, No. 7 (A)

May 15, 2007

### **[Still Not Fully Protected](#)**

#### ***Rights to Freedom of Expression and Information under Angola's New Press Law***

The 25-page report analyses Angola's new Press Law, which was issued in May 2006. The report concludes that, despite improvements over its predecessor, the new law still contains elements that undermine press freedom. In addition, the report shows many of the new law's key provisions will remain inoperable without parallel implementing legislation.

HRW Index No: Volume 18, no. 11(A)  
November 15, 2006