

Submission for the Universal Periodic Review of Angola

March 2019

This submission highlights concerns about Angola's compliance with its international human rights obligations since its previous Universal Periodic Reviews (UPR) in 2010 and 2014. The submission focuses on problems related to arbitrary arrest and detention, criminal defamation, extrajudicial killings and police brutality, and forced evictions.

Arbitrary Arrest and Detention

Despite accepting a recommendation in 2014 from Italy to “Step up its efforts to prevent cases of arbitrary arrests, detention and torture, and that those responsible be brought to justice”, Angolan police continue to arbitrarily arrest peaceful protesters and activists, especially in the oil-rich enclave of Cabinda. In the most recent case, between January 28 and February 1, 2019, police arrested 63 Cabinda pro-independence activists ahead of an announced protest to celebrate the anniversary of the signing of [the 1885 treaty](#) that gave Cabinda the status of a protectorate of former colonial Portugal. Many of the activists were members of the Movimento Independista de Cabinda (Independence Movement of Cabinda), a peaceful [separatist group that wants independence](#) or autonomy from Angola. They were arrested while peacefully protesting in front of the police department in Cabinda to demand the release of those detained during the crackdown. In March a court ordered the release of 13 of them, while confirming the arrest of other 50 activists on charges of public disturbance, rebellion, and criminal association. In August 10, 2018, police arrested 13 separatists agitating for the independence of Cabinda, during a meeting to organize a public debate on the enclave's autonomy. A week later, a court acquitted the group of charges of crimes against state security, ruling that the meeting was not illegal.

Arbitrary arrests have also been documented in other Angolan provinces. On April 4, police arrested three youth activists participating in a protest against the governor of Malange province during a visit of the vice president to the province. The three were randomly picked from the crowd by police who accused them of throwing stones at the vice president's convoy. On April 9, the Malange Provincial Court sentenced the three activists to seven months in prison. In July, the Angola Supreme Court ruled that there was insufficient evidence to prove that the three were involved in throwing stones at the vice president's convoy.

Recommendations

- Ensure that the rights to freedom of expression and peaceful assembly are respected;
- Ensure that peaceful separatist groups, pro-democracy and human rights activists can pursue their activities and express criticism of government policies without intimidation, harassment or arbitrary arrest;
- Release all individuals arrested because they participated in peaceful demonstrations and drop all politically motivated charges.

Criminal Defamation Law

The Angolan government continues to use and defend repressive laws that include vague defamation clauses that threaten the work of media and civil society activists, despite accepting all recommendations in 2014 to open up and protect civil society space. On January 23, 2017, then- President Jose Eduardo Dos Santos signed a press law that violates Angola's international obligations to respect media freedom. Article 82 of the law criminalizes publication of a text or image that is “offensive to individuals.” [The new penal code](#), approved in January 2019, penalizes defamation and slander with fines and imprisonment of up to 18 months. The African Commission on Human and Peoples' Rights calls for the abolition of criminal defamation laws in the continent, noting that they open the way to abuse and can result in very harsh consequences for journalists who expose abuses of power, corruption, and human rights violations, all of which are rife in Angola.

Recommendations

- Cease prosecutions of persons under criminal defamation laws, drop criminal defamation cases, and unconditionally release all persons currently imprisoned for criminal defamation;
- Revoke existing criminal defamation laws. Civil defamation and criminal incitement laws are sufficient for protecting reputations and maintaining public order;
- Ensure civil defamation and criminal incitement laws are written and implemented in ways that protect freedom of expression and are not misused by government officials.

Extrajudicial Killings and Police Brutality

Angolan security forces are implicated in several cases of extrajudicial killings of young men suspected of crimes. On June 1, 2018, the Angolan Ministry of Interior confirmed an incident recorded on video in which an agent of the Angola Criminal Investigation Service (SIC) fired several shots at a criminal suspect. The ministry said it would take disciplinary actions against the agents. In February 2018, investigative journalist and human rights activist Rafael Marques published a report documenting over 50 cases of extrajudicial executions by Angolan security forces. In response, the government promised to investigate. The outcome of the investigations, if any, have not been made public. This despite Angola accepting a recommendation in 2014 to: “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”.

In addition, Angolan police continue to use excessive force against people peacefully protesting against “Operação Resgate” (Rescue Operation), which aims, among other things, to end informal buying and selling in the capital, Luanda. On March 12, 2019, [a woman street vendor](#) was killed by a gunshot allegedly fired by a police officer who was trying to disperse a crowd of vendors. On August 27, 2018, Police [used live bullets](#) to disperse a peaceful march by street vendors in Luanda.

Recommendations

- Increase efforts to prevent, investigate, and appropriately prosecute extrajudicial executions and other serious violations by the police;
- Investigate allegations of excessive use of force and other human rights abuses by police, military, and other state officials. Hold all those responsible for abuses to account;
- Inform the public of the results of such investigations and promptly reply to individual complaints about police abuses.

Forced Evictions

During its last two UPR reviews, Angola has received and accepted a number of recommendations take measures regarding evictions, including one from Netherlands in 2014 to “Adopt legislative measures strictly defining the circumstances and safeguards related to eviction, and to stop all forced evictions until such measures are in place”. Nevertheless, Angolan authorities continued to forcibly evict people without the necessary procedural guarantees, or the provision of alternative housing or adequate compensation as provided under treaties ratified by Angola, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights. In response to a [Human Rights Watch letter](#), the Angolan Ministry of Justice and Human Rights claimed that evictions in Angola only occur in a lawful manner and that the government had made efforts to properly resettle residents who have built housing units on state land reserves. However, Human Rights Watch found that as part of the Operação Resgate, aimed at destroying irregular construction in Luanda, the authorities forcibly removed individuals from homes and land without providing appropriate legal or other protections. Some removals were preceded by excessive use of force by the police. For example, on July 4, police fired live bullets against residents of a neighborhood in Viana, Luanda, during a protest against demolitions, killing a pregnant woman. Four other people were wounded, allegedly by the police. According to the Angolan nongovernmental organization SOS Habitat, on August 1, police shot and wounded an 18-year-old man and detained four people without charge during a peaceful protest against house demolitions in Viana.

Recommendations

- Ensure that law enforcement officials receive appropriate professional training on conducting their functions while respecting the rights of residents, monitors, and the public in general when carrying out law enforcement activities in support of involuntary removal of residents;
- Cease forced evictions carried out in violation of international human rights law and standards;
- Take immediate steps to provide assistance, including alternative accommodation and other remedies, to those affected by forced evictions;
- Provide adequate compensation to all individuals forcibly evicted who have not received such compensation.