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## U.S. Department of State

### Angola Country Report on Human Rights Practices for 1997

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#### ANGOLA

The Republic of Angola continued its ongoing transition from a single party state to a multiparty democracy. The Popular Movement for the Liberation of Angola (MPLA) has ruled Angola since its independence from Portugal in 1975. The Constitution was revised in 1991 to provide for elections and for the protection of basic human rights, but the Government generally does not respect its provisions in practice. In 1992 President Jose Eduardo dos Santos received a plurality of votes in Angola's first elections, which United Nations observers declared to be free and fair. The second round of the election was not held due to the repudiation of the first round results by the National Union for the Total Independence of Angola (UNITA) and the subsequent return to civil war. In 1994 the Government and UNITA signed the Lusaka Protocol in an effort to formally end 20 years of civil war. In April UNITA joined with the MPLA and 10 smaller opposition parties to form a Government of Unity and National Reconciliation (GURN). As specified in the Lusaka Protocol, UNITA finally filled in April the 70 National Assembly seats won in 1992. The judiciary, where it functions, is not independent of the President and the MPLA.

The Government and UNITA continued to implement the Lusaka Protocol's provisions for a cease-fire, including the disarming and quartering of 70,000 UNITA troops, the integration of some UNITA soldiers into the Angolan armed forces, and the demobilization of remaining combatants. This process is taking place under the auspices of the U.N. Observer Mission in Angola (MONUA--the follow-on force to the U.N. Angola Verification Mission (UNAVEM III). Three observer countries (Portugal, Russia, and the United States) are also monitoring the implementation of the Lusaka Protocol. In July the newly integrated Angolan Armed Forces (FAA) were officially inaugurated. Some 10,000 of the FAA's 90,000

troops are former UNITA soldiers.

The Ministry of the Interior is responsible for internal security. It exercises this function through the National Police. The Paramilitary Rapid Intervention Police, (PIR), created in 1992 as an elite paramilitary force, was restricted to barracks as part of the 1994 Lusaka Protocol; that quartering ended in October. The armed forces are responsible for external security. Prior to implementation of the Lusaka Protocol-mandated cease-fire, they were primarily engaged in fighting the civil war against UNITA. While civilian authorities generally maintain effective control of the security forces, there were frequent instances in which the security forces acted independently of government authority. Members of the security forces committed numerous, serious human rights abuses, especially in areas to which the Government recently extended its administration.

Angola's developing economy is in transition from a centrally-directed to a market-based model. There are extensive natural resource reserves and rich agricultural lands which have not yet been exploited. Principal exports are petroleum and diamonds, which together with foreign aid, are the country's leading sources of foreign exchange. Oil revenues for 1997 exceeded \$4 billion, and diamond revenues were estimated at \$850 million. Subsistence agriculture, the traditional livelihood for the majority of the country's approximately 12 million citizens, was constrained severely by the extensive use of land mines in 23 years of civil conflict, as well as by government and UNITA restrictions on freedom of movement. In 1997 approximately 1.2 million internally displaced persons (IDP's) still relied on emergency food aid supplied by the international donor community. About 1 million Angolan IDP's had returned to their homes by late 1997. Areas under government control suffered from hyperinflation, scarcity of consumer goods, massive unemployment and underemployment, crumbling infrastructure, and continuing pervasive corruption. While the Government took some measures to increase the availability and control the prices of consumer staples, these unsustainable initiatives did not remedy the root causes of economic instability. Areas controlled by UNITA experienced scarcities of consumer goods along with massive unemployment and underemployment. Annual per capita gross national product is approximately \$450, but the overwhelming portion of the country's wealth remains concentrated in the hands of a small elite. The average monthly salary of wage earners (a small minority of the labor force) was approximately \$10 in rural areas and \$50 to \$160 in Luanda, a level that falls well short of providing a decent standard of living.

Although there was some improvement, the Government's human rights record continued to be poor, and it continued to commit numerous serious abuses. Members of the security forces committed extrajudicial killings, arbitrarily and secretly arrested and detained persons, and often tortured and beat detainees. The Government did not take effective action to punish abusers. The Government continued to inhibit independent investigations of human rights abuses. Government leaders cited the 20-year civil war as a justification for allowing emergency considerations to override concerns about human rights abuses. Prison conditions were life threatening. Arbitrary arrest and detention are problems. The judiciary does not ensure due process and only functions in parts of the country. The Government infringed on citizens' privacy rights. The Government restricted freedom of expression, the press, assembly, and association. While some improvements were made, citizens' freedom of movement continues to be restricted. The judiciary, where it functions, is not independent from the President and the MPLA. Although Angola is nominally a multiparty democracy, citizens have no effective means to change their government. Parliamentary elections due to be held in 1996 were postponed for between 2 and 4 years under the terms of the Lusaka Protocol; presidential elections are not to be held until the United Nations determines that appropriate conditions exist. Discrimination and violence against women were widespread. Children and the disabled continued to suffer as a result of the civil war and poor economic conditions. The Government continued to dominate the labor movement, and there was no improvement in the poor worker rights situation.

The human rights situation in territories controlled by UNITA was poor, with numerous extrajudicial killings, disappearances, incidents of torture, arbitrary arrests and detentions, denial of fair public trial, forced conscription, and attacks on civilian populations. UNITA tightly restricted freedom of speech, the press, assembly, association, and movement. UNITA did not cooperate with independent investigations of human rights abuses by United Nations human rights monitors, the only such monitors in the country.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Politically and economically motivated violence by state security forces and common criminal violence were often indistinguishable. A large number of violent crimes including robbery, vehicle hijackings, assault, kidnaping, rape, and murder were committed by members of the military and police forces both in and out of uniform. For example, the Government's so-called antibanditry campaign late in the year in the provinces of Benguela, Huila, and Huambo had to be abandoned when even the Government acknowledged that its own security forces were out of control. Although most criminal activity was committed by poorly and irregularly paid rogue elements of the security forces, there were credible reports that some of these attacks were carried out under orders from the Government. The Government did not take any effective action to punish abusers, especially in areas to which government authority had recently been extended.

Frequent gun battles between members of the military and police, and fighting among soldiers, police, and bandits in streets, suburbs, and open air markets of major urban centers resulted in numerous civilian casualties.

Many prisoners died as a result of inadequate food, poor sanitary conditions, and lack of medical treatment (see Section 1.c.).

The 1995 killing of independent journalist Ricardo de Mello remains unsolved, as do the October 1995 murder of state-owned-television journalist Antonio Casmiro in Cabinda (see Section 2.a.) and the 1994 killing of the Vice-Governor of Malange Province. The results of the investigation into the November 1993 death of opposition politician Carlos Simea were never released. It is widely believed that these persons were killed for political reasons.

Civilians reportedly were killed in the cross-fire between the Angolan National Army and the armed factions of the Cabinda Enclave Liberation Front (FLEC). Fighting is concentrated in the northern areas of Tandu-Zinze, Kuku-Zau, and Belize.

UNITA forces also continued to kill civilians (see Section 1.g.). It has been credibly alleged that dozens of prisoners died in UNITA custody (see Sections 1.c. and 1.d.).

There was no investigation of the mass grave site found in June 1996 in Soyo, Zaire Province. The Joint Commission determined that the killings took place prior to the signing of the Lusaka Protocol in November 1994 and that UNAVEM, and later MONUA, did not have the mandate to investigate.

Two mass grave sites were discovered in Huambo Province in November, but MONUA has yet to determine the circumstances and timing of the deaths. The Joint Commission issued a declaration that these sites should not be disturbed until the situation on the ground allows for a proper forensic

investigation.

#### b. Disappearance

The Government and UNITA continued to accuse each other of abductions and disappearances of civilians including traditional leaders (Sobas) and party activists. MONUA investigates all alleged cease-fire violations and human rights abuses that are reported to it by the Government, UNITA, and private individuals. It divides allegations into confirmed and unconfirmed and pending, and it assigns responsibility of confirmed incidents to the Government, UNITA, or bandits. While the cases reported to MONUA represent only part of the offenses that occurred in 1997, a pattern of government and UNITA disregard for the human rights of civilian populations can be discerned. For example, MONUA confirmed 100 cease-fire violations by the Government and UNITA (plus 36 acts of banditry) in the last quarter of the year, of which 41 were serious human rights incidents committed by either the Government or UNITA. A total of 18 incidents involved attacks on communities, another 16 involved the detention, harassment, or disappearance of civilians, and 7 involved the theft of property.

There were no developments in the August 1994 disappearances of two individuals associated with Africare, Vincent Douma and Oliveira Lemba. The International Committee of the Red Cross (ICRC) and the human rights division of MONUA, as well as civilian police, continued searching for them throughout the year.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were credible firsthand reports that the police committed torture. In many cases the police beat and then release detainees rather than make an effort to prepare a formal court case. Security forces also committed rapes.

UNITA forces continued to attack the civilian population and also committed rapes.

Prison conditions constituted a serious threat to the health and life of prisoners. The Government and the National Assembly Committee on Human Rights have acknowledged that conditions are inhuman. Cells are overcrowded and lack basic sanitary facilities. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports that many prisoners died of malnutrition and disease.

Prison officials routinely beat detainees. Prisoners depended on families, friends, and international relief organizations for basic support. On August 4, Vice Minister of the Interior Jeronimo Marcolino visited Bentiaba prison in Namibe Province and acknowledged that the conditions were harsh and life threatening. Tribunals are not functioning, and there are persons who have been in preventive detention for longer than the 135-day period allowed by law and who have not yet been put on trial.

Ten UNITA members died in the custody of the National Police in Malange in November. A government report on the incident claimed that 9 had died as a result of fighting among a group of over 50 prisoners, and 1 had committed suicide. The Government report absolved the National Police of any responsibility. However, the prisoners were held for over 24 hours in inhuman conditions, and international and other observers believed that they died of asphyxiation. The Government refused to perform autopsies and declined to return the bodies to the families of the deceased. The Government also refused to allow the exhumation of the bodies.

The Government permitted prison visits by MONUA human rights monitors.

It has been credibly alleged that dozens of prisoners died in UNITA custody (see Section 1.d.)

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under the law a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that an arrest warrant be signed by a judge or a provincial magistrate. Arrest warrants may also be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to a prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before trial to prepare a case, although this deadline may be extended by attorneys general but only under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members. However, a scarcity of resources and the lack of qualified and motivated personnel in the judicial system, limited the exercise of these rights.

Although in 1993 the Council of Ministers decided to transfer control of the judicial process and prison system from the Interior Ministry to the Justice Ministry, the decision had not been implemented as of year's end. Interior Ministry personnel continued to systematically, arbitrarily, and secretly arrest and detain persons for all categories of crime for indefinite periods of time, often without any apparent intent of bringing the detainees to trial.

Throughout 1996, UNAVEM III human rights monitors visited 12 prisons and found that more than half of all inmates were awaiting trial. This figure was as high as 90 percent in Luanda. Under Angolan law, a prisoner may not be legally held for longer than 135 days without trial. In reality most prisoners awaiting trial have been incarcerated for longer than 135 days. In many cases the police beat and then release detainees rather than make an effort to prepare a formal court case.

According to the Government there are no political prisoners in government custody. However, the security services routinely are used to serve the interests of the ruling MPLA, including detention and harassment of oppositionists.

UNITA continues to detain persons against their will. The number of such persons is unknown, though a number of confirmed cases exist: Eugenio Manuvakola (former UNITA Secretary General and signer of the Lusaka Protocol), Germana Malaquias, Linda Arthur Chipuku, Shita Nkongo Artur Danda, Carlos Emerson Artur Danda, and Telma Nunda. Manuvakola was kept under house arrest for 3 years, escaping to Luanda in August, where he recounted the harsh conditions of his illegal detention and torture, and gave credible reports of substantial numbers of people under UNITA house arrest.

The Lusaka Protocol provides for the release, under ICRC auspices, of persons detained for war-related reasons. As of September 10, 1996, the ICRC reported that 535 prisoners reported by the Government (369) and by UNITA (166) had been released. However, the ICRC has reclassified 78 prisoners originally reported to the ICRC by UNITA as "disappeared" because UNITA claimed that they were no longer in its possession. It was credibly alleged that most or all of these individuals died in UNITA custody. In October 1996, the ICRC arranged the release of 205 political detainees in government and UNITA custody. There have been no cases filed with ICRC since.

The Government did not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the court system lacked the

means, experience, and training to be truly independent from the influence of the President and the ruling MPLA. The President has strong appointive powers, including appointment of Supreme Court justices, with no requirement for confirmation by the National Assembly. The judicial system was largely destroyed during the civil war and during 1997 did not function in large areas of the country.

The court system comprises the Supreme Court at the appellate level, and municipal and provincial courts of original jurisdiction under the authority of the Supreme Court. As of the end of the year, 9 of the 12 seats on the Supreme Court had been filled. The Court serves as an appellate tribunal for questions of law and fact, but it does not have authority to interpret the Constitution. The Constitution reserves this role for a constitutional court, an entity that had not yet been set up as of year's end. The Constitution provides for the creation of an office of the "Provider of Justice," or ombudsman, designated by the National Assembly for a 4-year term, to defend citizens' rights and liberties. This office also had not yet been constituted at year's end.

Trials for political and security crimes are handled exclusively by the Supreme Court. There were no known political or security trials.

The Constitution provides defendants with the presumption of innocence, the right to a defense and legal assistance, and the right of appeal. Amendments to the Code for Penal Process in 1991 prov