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## U.S. Department of State

### Angola Country Report on Human Rights Practices for 1998

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#### ANGOLA

The Republic of Angola's transition from a single-party state to a multiparty democracy and its recovery from 24 years of civil conflict were hindered by delays in the implementation of the 1994 Lusaka Protocol between the Government and the National Union for the Total Independence of Angola (UNITA), and a renewal of fighting between government and UNITA forces at the end of the year. The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1976. The country's competing independence movements began a civil war immediately after independence, which lasted until the signing of the Bicesse Accords in 1991. Under the Bicesse Accords, one-party rule ended with the passage of a new Constitution that legalized opposition parties and called for United Nation (U.N.)-monitored elections that were held in 1992. President Jose Eduardo dos Santos of the MPLA won a plurality of the votes cast in an election that U.N. observers considered free and fair. UNITA rejected the results of the vote and resumed the civil war. The second round of the elections, a runoff between the two leading candidates, has yet to take place.

In 1994 the Government and UNITA signed the Lusaka Protocol in an effort to end the civil war. The Lusaka Protocol called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol, although the conduct of the police and, to a lesser extent, military units in former UNITA areas drew widespread criticism. UNITA failed to comply with several fundamental aspects of the protocol. It maintained a potent military capability and refused to surrender the territory it held. A national unity

Government was formed in April 1997, and although its existence was threatened when the ruling party suspended UNITA's ministers, vice-ministers, and parliamentarians in September, all those suspended were reinstated by year's end. U.N.-mediated discussions between the Government and the portion of UNITA loyal to longtime party President Jonas Savimbi broke down on September 1, with the Government backing a group of party dissidents in a leadership challenge to Savimbi. The cessation of direct negotiations led to a resumption of armed conflict in 10 of the country's 18 provinces. By year's end, UNITA had retaken substantial areas of the country and increased its military pressure on government areas. The judiciary, where it functions, is not independent of the President and the MPLA.

The Ministry of Interior is responsible for internal security, a function that it exercises through the Angolan National Police (ANP), the Rapid Intervention Police (PIR), and other organs of state security. The PIR was created in 1992 as an elite paramilitary force; it was restricted to its barracks in 1994, but that restriction was lifted in October 1997. The Armed Forces of Angola (FAA) are responsible for protecting the State against external threats and intervened in foreign conflicts in 1996, 1997, and 1998. In 1997 the FAA integrated some 10,000 UNITA soldiers. However, with the resumption of localized hostilities inside the country the FAA became involved in counterinsurgency operations against UNITA. The FAA also is involved in similar operations, although on a smaller scale, against separatists calling for the independence of Cabinda province. The Government's security forces are firmly under civilian leadership but committed numerous, serious human rights abuses.

The security factors that inhibited the country's transition to full multiparty democracy had a similar effect on the country's transition from a directed, state-dominated economic system to one based on market principles. The Government's economic policies remained geared towards war, creating an environment that enabled the Government to resist calls for greater transparency in public accounting. Angola produces 750,000 barrels of oil per day, a total that is expected to rise to over a million within the next decade. It produces an estimated \$850 million (\$574 trillion kwanzas) per year in diamonds and has lucrative untapped mineral, agricultural, and hydro-electrical resources. However, corruption and mismanagement are pervasive in the public sector and widespread in the private sector. The Government thus far has failed to liberalize its import regimes or control its regulatory agencies to the extent needed to allow the importation of the goods and services on which the economy depends. Annual per capita Gross Domestic Product was approximately \$450 (303 million kwanzas). Although the country's wealth continued to be concentrated in the hands of a small elite who used government positions for massive personal enrichment, the average monthly salary of urban wage earners (a minority of the labor force) was far below what is required for basic subsistence. Rural wages are even lower as the majority of the rural economy is dependent on subsistence agriculture and is highly vulnerable to political unrest. Civilians residing in UNITA-held areas live under a primitive and brutal form of economic feudalism, their crops and other goods are subject to arbitrary seizure by armed UNITA elements, and they are vulnerable to forced labor, including military service. They suffer from extreme scarcities of consumer goods, basic medical supplies, and other necessities.

The Government's human rights record continued to be poor, and it continued to commit numerous serious abuses. Citizens have no effective means to change their government. The second round of the 1992 presidential elections are on hold pending the resolution of the peace process; the Government is prepared to hold elections subject to a U.N. determination that proper conditions exist. Members of the security forces committed numerous extrajudicial killings, were responsible for disappearances and tortured, beat, raped and otherwise abused persons. The Government was unable to pay the salaries of the majority of its security service personnel. The poor discipline and poor working conditions of the police force made it the worst offender; military units generally have better discipline and a more effective chain of command. Other than those personnel assigned to elite units, the Government gives tacit permission for security personnel to pay themselves through the extortion of the civilian population. Prison conditions were life-threatening. The Government routinely used arbitrary arrest and

detention, and lengthy pretrial detention is a problem. The Government was unable or unwilling to punish those in the security services who were responsible for abuses. The judiciary is subject to executive influence, only functions in parts of the country, and does not ensure due process. The Government infringed on citizen's privacy rights and forcibly recruited

military-age males. The Government at times restricted freedom of speech and of the press, and intimidated journalists into practicing self-censorship. The Government restricted freedom of assembly, association, and movement. The Government continued to limit independent investigations of human rights abuses, although it allowed international human rights organizations, including Human Rights Watch and Amnesty International, to conduct research in the country. Discrimination and violence against women were common; adult and child prostitution is a problem; and children and the disabled continued to suffer as result of the ongoing conflict and poor economic conditions. The Government continues to dominate the labor movement and restricts workers' rights although there were improvements in the independent labor sector. Forced labor and child labor are problems.

UNITA was also responsible for numerous, serious abuses. UNITA forces were responsible for killings, disappearances and torture, rape and other abuse. UNITA military units reportedly pillaged rural areas; depopulated large parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA tightly restricted freedom of speech, the press, assembly, association, and movement. UNITA refused all attempts to conduct investigations in areas under its control. UNITA continues forced military recruitment, including underaged males, and uses forced labor for a large part of its local-level logistics. The sexual abuse of women conscripted to work as porters is reportedly common in UNITA areas.

## **RESPECT FOR HUMAN RIGHTS**

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

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

Incidents of politically motivated killings increased during the year as the political situation deteriorated. Security forces were responsible for numerous extrajudicial killings. Senior officials of the Government told the Joint Commission (the peace monitoring body set up under the Lusaka Protocol) that their security forces were incapable of conducting counter-insurgency operations without committing human rights abuses.

Three UNITA members were shot and killed in Ndalatando on August 27 after being abducted during the night by men in FAA uniforms. A UNITA member in Quibaxe died of gunshot wounds while in police custody on August 25. A UNITA supporter died in police custody in Saurimo on September 5. On July 26 in the Luanda neighborhood of Kampao, masked policemen took several young men from their homes. The police shot and killed five of the men. The others were taken away in a government truck and executed at a later time, according to credible information. In July the Government allegedly killed 10 army personnel, who were former UNITA soldiers, in their Luanda barracks. There are credible reports that suspected UNITA sympathizers were executed during forced recruitment campaigns during the year. A UNITA municipal secretary and over 12 other UNITA officials reportedly were executed publicly in April. On April 21 in Albuquerque, ANP officers tortured to death a UNITA member accused of keeping illegal weapons. On the same day, military personnel killed a pregnant woman and her son in Kafifi Kimbu. On April 27, the UNITA provincial secretary in Xa-Cassau was detained, tortured, and possibly killed. Army-enlisted personnel killed two civilians after they refused to provide them cigarettes in Maquela do Zombo on March 30; the soldiers were not disciplined. Police

officers detained and beat to death a UNITA supporter in Ussoque on April 3 on suspicion of keeping illegal arms. Police officers shot and killed a civilian on May 21 in Mbaya and tortured to death a demobilized UNITA soldier in Quimbele on May 27. Army personnel killed a civilian in Quibaxe in June and a policeman stabbed to death a demobilized UNITA soldier in Negage on June 7. Police officers killed the UNITA communal secretary of Quibaxe on June 9. Police officers tortured and killed a UNITA member in Ngola Luigi on March 2. The police killed the local UNITA secretary of Cangundu on March 9. None of the above incidents were investigated, nor was action taken against the persons responsible.

There were credible reports that the Government and the Front for the Liberation of the Cabinda Enclave (FLEG) were responsible for numerous extrajudicial killings and torture in Cabinda. There were reports that the FAA and the national police engaged in widespread killing, fighting, and looting in Huambo. The Government did not take any effective action to punish or deter abusers.

Prison conditions are life-threatening due to inadequate food, medicine, and sanitation and many prisoners died in official custody (see Section 1.c.).

A government investigation into the 1997 death of 10 UNITA members in Malange concluded that no one was at fault. The Government failed to investigate credible charges that security forces killed 10 former UNITA members who were integrated into the armed forces. The killings of senior UNITA officials in Luanda following the resumption of hostilities also have never been investigated. The Government also has refused to return the bodies of UNITA Vice President Jeremias Chitunda and Secretary General Salupeto Pena to their families.

A number of extrajudicial killings remain unsolved, including the 1996 murders of independent journalist Ricardo de Mello and state-television reporter Antonio Casimiro and the 1994 murder of the vice governor of Malange province. The results of the investigation of the 1993 death of opposition politician Carlos Simea were never released.

Up to 200 localities changed hands during the year, a process that often involved the extrajudicial killing of government or UNITA administrators and persons accused of collaboration. Internally displaced persons and refugees risked their lives to flee to government-held areas or neighboring countries. Undocumented Congolese workers in diamond fields were targeted by government or UNITA forces seeking to take control of alluvial diamond mining operations. Civilians died in the course of engagements between the security services and insurgents, particularly in the Central Highlands. Government aircraft bombed military targets in UNITA-held towns, which resulted in civilian casualties.

Despite massive evidence to the contrary, UNITA continued to deny that it still maintained military forces. UNITA claimed that actions attributed to its forces were, in fact, the work of errant bands of former party loyalists operating on their own. Interviews with refugees indicated that UNITA committed abuses, including public extrajudicial killings, as a deliberate policy.

UNITA has never accounted for the deaths of numerous senior party officials, including Wilson dos Santos and Tito Chinguji. A number of former high-ranking UNITA officials who have defected revealed the extent of extrajudicial killings in UNITA-held areas. Two former UNITA secretary generals, a former head of UNITA intelligence, and others report that Savimbi personally ordered extrajudicial killings of opponents and, in some cases, personally carried out the executions. UNITA also has never allowed the U.N. to investigate any claims of human rights abuses in areas of the country under its control unless those abuses were thought to be the work of government forces.

Traditional leaders, known as sobas, were frequent targets of UNITA attacks, although government forces allegedly killed a smaller number. The U.N. Observer Mission in Angola (MONUA) reported confirmation that at least 20 sobas were killed in a 4-month period. UNITA killed the Soba of Caninguil on June 27 in a public execution that also resulted in the deaths of 14 males between the ages of 25 and 27. Soba Albert Tome was killed on August 26 in Njimbo when UNITA forces kidnaped 16 military-aged males. UNITA forces killed the soba of Chimbili Luciano Cagnala, on July 17. Sobas in Chimbaca, Yeyele, Cassoma, and Camaue also were killed, reportedly by UNITA forces, in the same period. The Soba of Cota was killed on June 12, allegedly by the local UNITA military commander who forced him to lie on the ground and shot him nine times. Four civilians were abducted following the execution; one of whom escaped and reported that the killing was an act of revenge for the soba's disarming of local UNITA sympathizers in December 1997. The sobas of Poluesseque, Kitumba, Samba Lucala, Lomaun, and Santa Teresa reportedly were abducted and killed between June and August.

UNITA attacked the village of Caombo on April 20, killing a father and his son. UNITA killed two persons and kidnaped eight persons on April 20 in Guild Pombo. On March 28, UNITA killed 14 policemen in Base Porto, possibly as part of a campaign that resulted in approximately 200 known cases of police officers being killed by UNITA forces, including 1 incident near Cuito Cuanavale in which 18 officers were executed. Five persons were killed in a UNITA attack on Tschiponga on April 7 and a man was executed after being tortured in public on May 6 in Cunhinga. UNITA forces attacked a village near Chongoroi on March 15, killing 1 person and kidnaping 2 others before burning 35 houses and all the areas under cultivation. UNITA forces attacked Santa Ana on March 16 and killed five persons, stole livestock and destroyed the village's crops. On March 18, UNITA forces killed 1 person and stole 400 head of cattle in Catata. UNITA forces kidnaped and subsequently killed 3 persons in Sepalanga on March 27. On May 27, UNITA killed two men and kidnaped three young girls in Bela Horizonte. UNITA killed one man and kidnaped four others (only one of whom returned) on June 3 in Cassoco.

UNITA attacked the villages of Tchicoco and Lussoloe on February 28, killing four policemen, three of whom were burned alive in their grass huts. UNITA killed 1 civilian and stole 48 head of cattle during an attack on Tchilata on March 4. UNITA attacked Cussava on March 7, killing two soldiers and two civilians. At least 105 persons were killed in an attack on Nina Bula, Lunda Norte province, on July 21. MONUA confirmed that the attack took place but had insufficient evidence to assign responsibility, although survivors interviewed by state-run media said that the attackers were UNITA members. Many of the victims were Congolese migrant workers who came to the country to work in the diamond fields. In December UNITA military forces briefly occupied the town of Cunje and killed approximately 20 civilians who took refuge in the town's train station. In December UNITA forces began occupation of the towns of Camapuca, Catabola and Chiguar and reportedly killed numerous government officials and suspected collaborators, in some cases by driving over them with tanks. UNITA artillery fire also resulted in deaths and injuries (see Section 1.g.). UNITA also laid mines on roads, and on approaches to towns and villages, which have led to an unknown, but large number of fatalities (see Section 2.d.).

#### b. Disappearance

The Government and UNITA continued to accuse each other of abductions and disappearances of civilians, including government officials, party activists, and traditional leaders. The number of allegations and the prevailing conditions of insecurity made it impossible for the U.N. to investigate all of these allegations.

Persons taken into police custody often disappeared without a trace, particularly in rural areas. Suspects accused of illegal weapons ownership or collaboration with UNITA disappeared, as did UNITA party officials in areas that reverted to government control. MONUA's ability to investigate UNITA allegations of disappearances and other human rights abuses was diminished by a series of false

allegations against the Government that tied up investigative assets. However, MONUA determined that there were sufficient grounds to accuse the Government of conducting extrajudicial abductions and executions. An army platoon occupied a civilian's house in Pira on February 13; the owner and his family disappeared and have not been found. There were reports that nine demobilized UNITA soldiers arrested in January in the Kuando-Kubanyo area disappeared while in custody.

Civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. UNITA forces kidnaped 8 persons on April 20, and 16 military-aged males on August 16. The soba of Saemba was kidnaped by armed men believed to have been UNITA forces on August 20 and has not been seen since. In March UNITA forces kidnaped eight persons and killed two others in Guild Pombo and attacked a village near Chongoroi, killing one person and kidnaping two others (see Section 1.a.). In May UNITA forces kidnaped three young girls and killed two men in Bela Horizonte and in June, UNITA forces killed one man and kidnaped four others in Cassaco (see Section 1.a.). The frequent discovery of dead bodies in the aftermath of attacks suggested that suspected collaborators were summarily executed. Those who escaped UNITA custody and were able to return to government-held areas reported that they were subjected to torture, beatings, and sexual abuse (see Section 1.c.).

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

The Constitution and the Penal Code explicitly prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces do not respect these regulations in practice. The U.N. and human rights organizations report that there is widespread government abuse of suspects.

Security service personnel regularly employed torture and other forms of cruel and degrading treatment including rape. Police torture and induced confessions are acceptable forms of investigation and are rarely, if ever, punished. Those suspected of ties to UNITA regularly are incarcerated under inhuman conditions and are subjected to primitive and brutal forms of interrogation. In March police officers tortured and killed a UNITA member in Ngola Luigi (see Section 1.a.). In April in Albuquerque and Ussaque, police officers tortured to death two UNITA members accused of suspected of keeping illegal weapons (see Section 1.a.). Also in April, police officers tortured to death a UNITA provincial secretary in Xa-Cassan. In May police officers tortured to death a demobilized UNITA soldier in Negage (see Section 1.a.). There have been no cases in which an army or police official has been disciplined for use of excessive force on a UNITA suspect. Police also extorted money from travelers at checkpoints (see Section 2.d.).

Government forces and FLEC forces tortured and killed civilians in the Cabinda region (see Section 1.a.).

The U.N. and human rights organizations report that abuse of suspects is universal in areas under UNITA control. Interviews with persons who have fled UNITA-held areas revealed that UNITA uses cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. For example, in April UNITA forces executed a man after publicly torturing him in Cuninga (see Section 1.a.). The soba of Muenho was detained and tortured by UNITA personnel on February 27. Both of his ears were cut off by attackers who reportedly were enraged that he had allowed the government flag to fly over his village. The use of torture is not confined to the lower ranks of UNITA forces. There have been repeated credible allegations that UNITA President Jonas Savimbi has ordered suspects tortured and executed in his presence.

Prison conditions constituted a serious threat to the health and lives 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. The prison system holds approximately five times the number of prisoners it was built to hold. 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. Several officials in the security forces were arrested for abusing prisoners, but it is not known if they were tried.

Prison officials routinely beat detainees. Prisoners depend on families, friends, or international relief organizations for basic support. Prison officials, who are chronically unpaid, support themselves by stealing from their prisoners and extorting family members. Juveniles, often incarcerated for petty theft, are housed with adults and suffer abuse by guards and inmates.

The Government permitted local and international human rights monitors to visit prisons during the year.

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

Arbitrary arrest and detention are serious ongoing 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 issued by a judge or a provincial magistrate. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although attorneys generally have the right to extend this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members. However, none of these rights exist in practice; there is a scarcity of personnel and resources, and a lack of official determination to ensure these rights. Although the Ministry of Justice is nominally in charge of the prison system, the Ministry of the Interior continued to systematically, arbitrarily, and secretly arrest and detain persons for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the law a person may not be held for over 135 days without trial. In reality, over 90 percent of inmates in Luanda are still awaiting trial, and it is believed that the national average is over 50 percent. It is common to find inmates who have been awaiting trial for 2 or 3 years. In many cases, police beat and then release detainees rather than make any effort to prepare a formal court case.

The Government holds a number of political detainees. Government officials regularly arrested and detained UNITA officials and supporters in areas that had recently reverted back to state administration. The Government invariably accused these persons of illegal weapons possession or collaboration with UNITA, although formal charges rarely were filed.

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 1997, where he recounted the harsh conditions of his illegal detention and torture, and gave credible reports of substantial numbers of persons under UNITA house arrest.

The Lusaka Protocol provides for the release, under International Committee of the Red Cross (ICRC) auspices, of persons detained for war-related reasons. With the resurgence in government-UNITA fighting in several areas of the country, prisoners of war (POW's) already may have been taken by both

sides. Neither the Government nor UNITA has made any efforts to notify the ICRC or any other institution that it has POW's in custody. Strong anecdotal information suggests that POW's are routinely and summarily executed by both sides.

The Government did not use forced exile as a form of punishment.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the court system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. A constitutional court mandated by the 1991 Constitution had yet to be established at year's end.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. Only 9 of the 12 seats on the Supreme Court were filled by year's end. The Supreme Court serves as the appellate division for questions of law and fact but does not have the authority to interpret the Constitution. The Constitution reserves that role for a constitutional court, but that entity had not yet been established by year's end. The government attempt to suspend the UNITA members of the National Assembly on September 1 (see Section 3) was referred to the Supreme Court, which declined to issue a ruling, thereby missing an opportunity to establish the competence of the courts to rule on the constitutionality of executive

Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court, but there were no known cases of such trials.

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, established a system of bail, and recognized the accused's right to counsel. However, the Government does not respect these rights in practice. Judges are usually lay persons, not licensed lawyers. The judge and two lay persons elected by the full court act as the jury.

UNITA has established a nominal military and civilian court system in territories under its control and claims that its civil code is equivalent to the Portuguese civil code currently used by the Government. UNITA President Jonas Savimbi appoints judges personally, and UNITA trials are not open to the public. Juries consist of male elders chosen from the community. The accused reportedly has the right to a lawyer. However, areas of the country under UNITA control remain under strict martial law.

There are credible reports that the Government holds political prisoners; however, the number is unknown. The Government denies that it holds political prisoners.

There are numerous confirmed cases of UNITA-held political prisoners. It is unknown if persons detained by UNITA have been convicted by some judicial procedure. Even if they were, decisions made by self-styled UNITA courts have no standing under the legal system of the Republic of Angola or other protections of the rule of law.

#### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Government infringed on citizens' privacy rights. The Government maintained a sophisticated

security apparatus dedicated to the surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders, journalists, members of the National Assembly and foreign diplomats. Legal requirements for search warrants routinely are disregarded. In an attempt to enforce mandatory military service laws that had not been enforced for 4 years, the military and police conducted forced recruiting in many of the areas under the control of the Government, including the poorer neighborhoods of Luanda. Although some minors were caught up in forced recruitment operations, the Government did not actively attempt to conscript underage soldiers. Under the law, military service is obligatory, but the pattern of the forced recruitment indicated a policy of preying on poor communities and unemployed young men. Those who could prove that they had jobs usually were released, and those with financial means could buy their way out of the military. The Government denied that forced recruiting was taking place, stating that it was conducting mass arrests of petty criminals. Church groups, civil society institutions, and foreign embassies contradicted these claims.

UNITA continued to conscript civilians forcibly for military duty (see Section 1.g.). In addition, there were credible reports that military-aged Rwandan refugees, including minor children, were conscripted forcibly into UNITA's forces.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

MONUA concluded that the escalation in military operations by both the Government and UNITA resulted in a dramatic increase in the number and severity of human rights violations. MONUA found that the impact of increased military operations on civilian populations has been enormous; in addition to 270,000 new internally displaced persons, military attacks have resulted in indiscriminate and summary killings, torture, abductions, destruction of property, and theft. The provinces most affected were Lunda Nortet, Lunda Sul, Malange, Bie, Uige, and Huambo. Congolese diamond miners were victims in numerous attacks on alluvial mining operations in Lunda Norte province.

The Government's security forces often were accused of behaving like an occupying army in areas of the country that previously had been under UNITA control. UNITA alleged that its party officials and structures were expelled from 212 of the 270 sites that it allowed to revert to state administration. Although UNITA unilaterally abandoned most of the sites, frequently in advance of attacks on government positions, UNITA party structures claim they were harassed and driven out of approximately 30 to 40 localities. These included major towns, where there were numerous confirmed cases in which UNITA officials were killed, tortured, abducted, or harassed.

The Government's inability or unwillingness to pay the majority of its army and police personnel resulted in widespread extortion and theft. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property, often after forcibly depopulating areas and robbing the displaced persons.

The Government and UNITA continue to use land mines to strengthen defensive position, and in the case of UNITA, prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.).

UNITA forces routinely violated citizen's rights in pursuit of military objectives. The nature of attacks, most of which involve small groups operating in rural areas at night, make it difficult to assign responsibility. However, MONUA reported that collected evidence suggests UNITA is responsible for a substantial number of attacks on rural communities. U.N. Security Council Resolution 1190 of August 13 demanded that "UNITA cease its re-occupation of localities where state administration was established and stop attacks by its members on civilians." In December UNITA forces used artillery to

shell the town of Kuito, Huambo and Malange killing hundreds of persons and wounding many others.

UNITA conducted forced recruiting, including minors, throughout all of the country's disputed territory. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years old, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government does not always respect this right in practice. Although the Government's performance in this area improved, problems remained. The Government continued to intimidate and threaten journalists into practicing self-censorship. There were reports that the Government pays journalists to publish progovernment stories. The majority of the media is state-run and carries very little criticism of the Government. Semi-independent newspapers and private radio stations grew increasingly bold in their criticism of government policies and actions. Three private weekly publications and five commercial radio stations openly criticize aspects of government policies and highlight poor socioeconomic conditions.

Nonetheless, journalists acknowledge that there are boundaries they cannot cross and that they exercise self-censorship when it comes to reporting on the military situation, internal security, or other highly sensitive matters. However, there was increasing private media attention to corruption and economic mismanagement. The state-run media briefly carried live footage from debates in the National Assembly in which the Government came under strong criticism from opposition parties and even some MPLA deputies. The Government halted live television broadcasts of the National Assembly stating that the cost was prohibitive; UNITA and other opposition parties claimed that this was a form of censorship.

Media policy and censorship are controlled by a committee composed of the Minister of Social Communication, the Spokesman of the Presidency, and the directors of state-run media organizations. The MPLA's parliamentary leader is also an influential figure on the content and tone of state-run media reporting. The Government used its control of the media to engage in a hostile propaganda campaign beginning in July. Hostile propaganda was prohibited by the Lusaka Protocol, but the Government broadcast a series of unfounded and unconfirmed allegations of UNITA massacres as a means of influencing local and international public opinion.

The Government did not restrict the activities of foreign media, including the British Broadcasting Corporation and Voice of America, although it continued to refuse to allow direct retransmission. Foreign journalists require authorization from the Ministry of the Interior in order to obtain access to government officials or to travel within the country. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society. The Government allowed the U.N. to contribute to broadcast content but denied it the ability to open its own radio station.

UNITA ceased broadcasting over its shortwave station, Radio Vorgan, as part of its obligations under the Lusaka Protocol. UNITA was granted a license to run a FM station but chose not to begin operations. No media organizations can function in UNITA-controlled areas except under the absolute control of party officials. UNITA sporadically published a newspaper, which could not be found in

government areas, and no media personnel were allowed free access to UNITA areas.

Academic life has been severely circumscribed by the civil war, but there is academic freedom, and academics do not practice self-censorship.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government strictly controls this right in practice. The law requires a minimum of 3 days' prior notice before public or private assemblies are held and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment assemblies are granted routinely without delay; however, applications for protest assemblies are rarely granted.

The Constitution provides for the right of association; however, the Government strictly controls this right in practice. Legislation allows the Government to deny registration to private associations on security grounds, and the Government arbitrarily limits organized activities deemed adverse to its interests.

There is no freedom of assembly or association in areas of the country under UNITA control.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, including the separation of church and state, and the Government respects this right in practice. Members of the clergy in government-held areas regularly use their pulpits to criticize government policies. In 1996 a German clergyman was charged with subversive activities for speaking out on social issues, but there were no reported cases of such charges during the year.

While in general UNITA permits freedom of religion, interviews with persons who left UNITA-controlled areas reveal that the clergy does not enjoy the right to criticize UNITA policies.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country, however, the Government does not respect these rights in practice. A network of government checkpoints throughout the country interfered with the right to travel. Such checkpoints serve as the principal source of income for many of the country's security service personnel. Extortion at checkpoints is routine in the center of Luanda and pervasive on major commercial routes. While it rarely reaches the level of an absolute prohibition on travel, it does seriously restrict the movement of persons and goods in areas of the country under government control. The Government routinely cuts off access to areas of the country that are deemed insecure or beyond the administrative authority of the State. Transportation links between government and UNITA-held territory were reduced sharply as a result of increased conflict. The Government prohibited the foreign travel of four UNITA officials: two members of the National Assembly and two representatives to the Joint Commission. The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from foreign businessmen.

Human rights and relief workers who interviewed Angolan refugees and displaced persons reported that UNITA actively seeks to prevent civilian populations from fleeing to areas of government control. The pattern that emerged from the discussions suggested that UNITA uses military patrols, checkpoints, and

land mines to keep persons from leaving their home areas. Refugees who fled Angola and who were not part of the Ovimbundu majority within UNITA said that arbitrary public punishment, including death by firing squad or by immolation, were used to deter persons from leaving.

The greatest impediment to the freedom of internal circulation were mines laid by UNITA forces on roads, many of which were demined at considerable expense by the international community. According to the U.N. and nongovernmental organization (NGO) reporting, UNITA uses antipersonnel and antivehicle mines to prevent government personnel from entering areas under its control and to prevent its persons within its areas from fleeing to government towns. UNITA also used new land mines to areas unsuitable for cultivation and to deny hostile populations access to water supplies and other necessities. Government mining generally was confined to defensive positions around towns that came under threat of UNITA attack. Late in the year, UNITA began a major land mine campaign and planted new mines indiscriminately along roads and on approaches to towns and villages. It is impossible to estimate the number of land mines in the country, but the fear of injury and death from land mines effectively imprisoned and impoverished entire communities. There are 80,000 survivors of land mine explosions, and an unknown number of fatalities (both totals continue to rise).

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government provides first asylum to refugees. An eligibility committee to evaluate asylum claims was established on paper in 1990, was first staffed in 1995, and now meets regularly to evaluate asylum requests. There are approximately 9,600 refugees from the Democratic Republic of Congo, at least 1,000 of whom officially have been granted refugee status. There were no reports of the forced expulsion of persons with valid claims to refugee status. The majority of Rwandan refugees in Luau, Moxico province, an area that reverted to government control in September 1997, had left the country for camps in Zambia at year's end.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides all adult citizens with the right to vote by secret ballot in direct multiparty elections to choose the President of the Republic and Deputies in the 220-seat National Assembly; however, in practice, citizens have no effective means to change their government. The Lusaka Protocol establishes the mechanism for returning the country to an electoral calendar, but noncompliance, particularly by UNITA, has indefinitely postponed any new elections. Opposition parties complain of harassment and intimidation by government security forces.

The President is elected by absolute majority. If no candidate wins such a majority, there is a runoff between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent Angolans living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President who appoints the Prime Minister and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. The National Assembly has, since its inception, served as a rubber stamp for the Council of Ministers. The seating of 70 UNITA deputies in April 1997 fostered substantive debates for the first time on issues ranging from the peace process to the Government's budgeting priorities and accountability. In February the National Assembly conducted a highly critical debate of the Government's budget proposal and continued to serve as a growing forum for discussion. However, an attempt to suspend the UNITA members of the National Assembly and the Government's recognition of

a dissident UNITA group as the only legitimate UNITA group resulted in the fragmentation of the opposition within the Assembly and a corresponding decline in national debate.

The 1992 elections were the first multiparty democratic elections in the country's history and were conducted with U.N. supervision and financial support. MPLA President Jose Eduardo dos Santos won a plurality of votes cast in the presidential election (49 percent) and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between dos Santos and Savimbi was never held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist, but that remains a distant prospect.

In April 1997, UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated but had not taken up their positions by the end of the year. These positions were filled by members of a dissident UNITA group, UNITA-renovada, which is recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him the leader of the largest opposition party and providing him with 5 official residences and a bodyguard contingent of 400 personnel. The National Assembly revoked Savimbi's status on October 27, for abrogating his duties under the Lusaka Protocol.

On September 1, the Government announced the suspension of the 11 UNITA cabinet officials and 70 deputies, citing UNITA's failure to demilitarize and to surrender the territory that it occupied, both of which were in contravention of the Lusaka Protocol. The Government backed the creation of a dissident faction of UNITA, UNITA-renovada, led by Minister of Hotels and Tourism Jorge Valentin. It reinstated 9 of the 11 cabinet officials once they either stated their support for the dissident faction UNITA-renovada or renounced their party affiliation. The Government asked the Supreme Court to back the suspension of UNITA deputies who refused to join the dissident faction, but the Court failed to issue a ruling. The President of the National Assembly gave UNITA-renovada the right to change the party's representation in the National Assembly, a right that dissident leader Valentin used in an attempt to replace 15 of the 70 deputies. However, all UNITA deputies present in Luanda, regardless of their position regarding the dissident faction, were reinstated and seated when the legislature reconvened on October 20.

There are no legal barriers to the participation of women in the political process; however, they were underrepresented. Women occupy only 10 of 83 cabinet positions, 35 of 220 seats in the National Assembly, and none of the 9 places on the Supreme Court.

#### **Section 4 Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government does not absolutely prohibit independent investigations of its human rights record, but it fails to cooperate and often uses false security conditions as a justification to deny access to affected areas.

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. However, this office had not yet been constituted at year's end.

The September 7 report of the U.N. Secretary General stated that MONUA's human rights investigations took place "despite a lack of cooperation on the ground" and restrictions imposed by government officials. The MONUA Human Rights Monitoring Group, established in 1997 to conduct human rights training for U.N. forces and investigate individual cases of human rights abuses, had a countrywide presence prior to the outbreak of hostilities late in the year.

UNITA consistently refused to allow MONUA access to areas under its control, usually by failing to provide liaison officers to MONUA patrols. Since no MONUA investigation can take place without a liaison officer, the U.N. considers that this constitutes denial of access. State-run and private media in government controlled areas gave extensive coverage to alleged abuses in UNITA areas, but the reporting usually had an obvious political bias and did not appear credible.

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

Under the Constitution all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, religion, ideology, degree of education, or economic or social condition. The Government does not have the ability to enforce these provisions effectively.

### **Women**

Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides was perpetrated against women, usually by their spouses. In 1997 a Ministry of Women was created to deal specifically with violence against women. A series of national conferences on women's rights, partially funded by foreign donors, continued to produce calls for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

The Constitution and Family Code provide for equal rights without regard to gender. However, a portion of the Civil Code dates back to colonial times and includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities.

The maternal mortality rate in 1996 was estimated at 1,500 deaths per 100,000 live births. There are no effective mechanisms to enforce child support laws, and women carry the majority of responsibilities in raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution.

Despite constitutional protections, women suffer from discrimination. The law provides for equal pay for equal work, but in practice, women rarely are compensated equally. Some women hold senior positions in the military (primarily in the medical field) and civil service, but women mostly are relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of the disabled, as they were most likely to become victims of land mines while foraging for food and firewood in agricultural areas. Under the law, adult women may open bank accounts, accept employment and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children.

### **Children**

The Government gave only marginal attention to children's rights and welfare even though some 50

percent of the population is believed to be under the age of 15. The Ministry of Education barely functions due to lack of resources. Private religious, community, or corporate groups have been unable to fill the vacuum. Teachers are chronically unpaid and the net enrollment rate of school age children is 40 percent, with an 18 percent gap favoring boys over girls. Almost 1 million children are estimated to be out of school, with no prospect of integrating them into the education system. Most educational infrastructures are partially or totally damaged and lack basic equipment and teaching materials.

UNITA and the Government allowed 8,000 child soldiers to be demobilized in 1996-1997. The Government has not brought any significant numbers of children back into the armed forces, although some children have been caught up in forced recruitment campaigns (see Section 1.f.). There are credible reports that UNITA has forcibly recruited children into its armed forces.

UNICEF estimates that there are approximately 5,000 street children in Luanda; some are orphans or abandoned while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels is so poor that the majority of homeless children preferred to sleep on city streets. Street children shine shoes, wash cars, and carry water, but many resort to petty crime, begging, and prostitution in order to survive. One international NGO that works with street children estimated that there are 500 to 1,000 underage prostitutes in Luanda.

The government-sponsored National Institute for Children is a well-intentioned organization, but it lacks the capacity to adequately assist efforts by international nongovernmental organizations to assist dispossessed youth. There are no active private children's rights advocacy groups.

Female genital mutilation (FGM) is widely condemned by international health experts as damaging to both physical and psychological health. There has been very little evidence of the practice of FGM. It had reportedly occurred rarely in remote areas of Moxico province, bordering the Democratic Republic of the Congo and Zambia in past years. However, information from local and international health workers, including midwives, indicated that FGM is not practiced by indigenous groups

### **People With Disabilities**

The number of the physically disabled persons includes an estimated 80,000 disabled land mine survivors. While there is no institutional discrimination against the disabled, the Government is doing little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for the disabled in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it is difficult for the disabled to find employment or participate in the education system.

### **National/Racial/Ethnic Minorities**

The population includes 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered through the provinces of Namibe, Cunene, and Cuando Cubango. There is no evidence that they suffer from official discrimination or harassment, but they do not participate actively in the political or economic life of the country and have no ability to influence government decisions concerning their interests.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government does not consistently respect these rights in practice. The Government dominated the National Union of Angolan workers (UNTA), which is the labor movement affiliated with the ruling MPLA party; however, the General Center of Independent and Free Labor Unions of Angola (CGSILA) is independent. The law requires that labor unions be recognized by the Government. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government. However, the major impediment to labor's ability to advocate on behalf of workers is the 80 percent formal sector unemployment rate.

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for, and strictly regulates, that right. The law prohibits lockouts and worker occupation of places of employment, and provides protection for nonstriking workers. It prohibits strikes by military and police personnel, prison workers, and fire fighters. The law does not prohibit employer retribution against strikers effectively.

A CGSILA-affiliated union, which organized nonfaculty employees at Agostinho Neto University, staged a successful strike demanding back wages and salary increases. A countrywide teachers' union, the SIMPROF, also staged strikes demanding better pay and working conditions.

Unions have the right to affiliate internationally.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and for collective bargaining; however, the Government generally does not respect those rights in practice. The Government dominates the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security sets wages and benefits on an annual basis. Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of antiunion discrimination are required to reinstate workers who have been fired for union activities. In practice, neither the Labor Code nor the judicial system are capable of defending these rights.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and has been cited by the International Labor Organization as an example of forced labor in violation of ILO Conventions. The law prohibits forced or bonded child labor, and there are no reports that such labor occurs in government-held areas; however, the Government does not have the capacity to enforce this legislation in nongovernment-held areas.

UNITA forces regularly abduct children for military service and other forms of forced labor. UNITA depends on forced labor for much of its logistics. Refugees and internally displaced persons reported that rural women frequently are forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There were also credible reports of sexual assault.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not

work at night, in dangerous conditions, or in occupations requiring great physical effort. However, these provisions generally are not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. The Ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14. However, many younger children work on family farms as domestic servants, and in the informal sector. Family-based child labor in subsistence agriculture is common. Poverty and social upheavals have brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector. The law prohibits forced or bonded child labor, but the Government is unable to enforce these provisions (see Section 6.c.).

#### e. Acceptable Conditions of Work

The minimum wage set by the Ministry of Public Administration, Employment, and Social Security was approximately \$30 (20 million kwanzas) per month prior to the rapid devaluation of the kwanza in the mid-1990's. Currently the minimum wage is set at approximately \$3 (2 million kwanzas) per month. However, the Government does not enforce this standard. Neither the minimum wage nor the average monthly salary, which are estimated at \$75 (49 million kwanzas) to \$200 (135 million kwanzas) per month, are sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners depend on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes.

A 1994 government decree established a 37-hour workweek. However, the Ministry of Public Administration was unable to enforce this standard, just as it was unable to enforce existing safety and health standards. Workers cannot remove themselves for dangerous work situation without jeopardizing their continued employment.

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