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Angola: Whether the Amnesty Law passed in April 2002 included military draft evaders, deserters and conscientious objectors, and whether the 45 day validity period of the said law has been extended so that it is still in effect

Research Directorate, Immigration and Refugee Board, Ottawa

On 2 April 2002, Angola's National Assembly voted unanimously in favour of a general amnesty (BBC 2 Apr. 2002) for "all crimes against the security of the State committed in the context of the Angolan armed conflict ... [which] applies to all individuals who presented or will present themselves, voluntarily or not, to the Angolan authorities ... within 45 days" of 4 April 2002 (Angola 4 Apr. 2002; see also AI 5 Apr. 2002; HRW 2003; ACTSA 9 Apr. 2002).

Following consultations with colleagues in Angola, the Legal Officer of the United Nations High Commissioner for Refugees (UNHCR), in Ottawa, provided the following information regarding whether the April 2002 amnesty law included military draft evaders, deserters and conscientious objectors:

The law does specifically apply to draft deserters (Article 1, section 4). While not expressly stated, the law as applied also covers draft evaders and conscientious objectors who return. The National Deputy Military Attorney General has confirmed to UNHCR that there is no prosecution against deserters or evaders. Moreover, UNHCR knows of no bars to amnesty applied to deserters/evaders/conscientious objectors. According to the Attorney General, no list of deserters/evaders was ever kept by the Government, so there would be no way to screen or identify such cases, even if the Government had the intention to exclude them from amnesty (29 July 2003).

The Consular Section of the Embassy of the Republic of Angola, in Ottawa, also stated in correspondence with the Research Directorate that the April 2002 Amnesty Law applied to military draft evaders and deserters (4 July 2003).

With regard to whether the 45-day validity period of the Amnesty Law has been extended, the UNHCR Legal Officer provided the following information:

UNHCR Angola has received assurances from the Deputy Attorney General of the Military that the law is applied liberally, in the spirit of "peace and reconciliation". Furthermore, UNHCR Angola knows of no cases to date where amnesty was denied to returnees. ... There appears to be a *de facto* extension of the 45-day period, since no registration procedures have ever been put in place and UNHCR Angola knows of no denial of amnesty because the 45-day deadline was missed (UN 29 July 2003).

An unofficial translation of the 4 April 2002 Amnesty Law may be consulted online at UNHCR's Country of Origin and Legal Information section for Angola at <http://www.unhcr.ch/cgi-bin/texis/vtx/rsd>.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

- Action for Southern Africa (ACTSA). 9 April 2002. *Angola Peace Monitor*. Vol. 8, No. 7. "Negotiated Peace." <<http://www.actsa.org/Angola/apm/apm0807.htm>> [Accessed 5 Aug. 2002]
- Amnesty International (AI). 5 April 2002. "Angola: A New Cease-Fire-A New Opportunity for Human Rights." (AI Index: AFR 12/002/2002 - News Service Nr. 60) <<http://www.web.amnesty.org/library/print/ENGAFR120022002>> [Accessed 5 Aug. 2003]
- Angola. 4 July 2003. Embassy of the Republic of Angola, Ottawa. Correspondence from Consular Section.
- _____. 4 April 2002. National Assembly. Law No. 4/2002 of 4 April. Unofficial Translation. <<http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/+mwwBmedKzWKwwwwwwwwwwwwwtFqtEDtdcwcFqo-uPPyEROMFmqDFqm7y-dFqo2IyPOHEP3zmxwwwwwwGFqmEHZBFqoulyZI20P/rsddocview.pdf>> [Accessed 5 Aug. 2003]
- BBC. 2 April 2002. "Angola Rebels Granted Amnesty." <<http://news.bbc.co.uk/2/hi/africa/1906434.stm>> [Accessed 10 June 2003]
- Human Rights Watch (HRW). 2003. *Human Rights Watch World Report 2003*. <<http://www.hrw.org/wr2k3/print.cgi?africa1.html>> [Accessed 5 Aug. 2003]
- United Nations. 29 July 2003. United Nations High Commissioner for Refugees (UNHCR) Representation in Canada, Ottawa. Correspondence from Legal Officer.

Additional Sources Consulted

IRB Databases

The Defense, Military, Naval and Air Attach(of the Embassy of the Republic of Angola was unable to provide information on the above-mentioned topic within the time constraints of this Response.

Internet sites, including:

AllAfrica.com

Angola Press Agency (APA)

Angolan Anti-Militarism Initiative for Human Rights

Central Committee for Conscientious Objectors (CCCO)

Embassy of Angola Website: UK, Canada, France

Global IDP

Integrated Regional Information Networks (IRIN)

International Alert

Relief Web

Republic of Angola Website

UK Home Office, Immigration and Nationality Directorate (IND), *Country Assessment: Angola*.

War Resisters' International (WRI)

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