

ANGOLA

@An appeal for prompt action to protect human rights

May 1992 is the first anniversary of the Peace Accords for Angola which ended the 16-year war between the Government of the People's Republic of Angola and the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Although the cease-fire agreed in May 1991 is still holding, it has been threatened by politically-motivated killings and other violations of the human rights provisions of the Peace Accords. Amnesty International representatives visited Angola in March 1992 to assess the current human rights situation. The organization is now issuing an appeal for human rights protection to be given priority in Angola, for without prompt action to prevent further killings and to promote respect for human rights there may be an escalation of violence which would endanger the Peace Accords.

The most widely reported killings of prisoners in recent months were the executions in the latter half of 1991 of former UNITA officials Pedro "Tito" Chingunji and Fernando Wilson dos Santos and members of their families who had been imprisoned in Jamba, UNITA's headquarters in southeastern Angola. However, there have been several other politically-motivated killings in recent months. Those attributed to the government include the killing of at least six people and the wounding of over 20 others in a reportedly peaceful demonstration in support of separatist groups fighting for the independence of Cabinda, an Angolan enclave between the Zaire and Congo Republics, in November 1991. Among the killings attributed to UNITA officials was the murder in March 1992 of four government air-force officers, two of whom were apparently buried alive.

None of those responsible for the killings which Amnesty International has documented since May 1991, 18 in all, has been brought to justice. Nor, indeed, have the killings even been adequately investigated. Since independence in 1975, both the government and UNITA have consistently failed to carry out official investigations in response to reports that their officials have deliberately killed prisoners or other political opponents. These include many hundreds of people who were killed or "disappeared" in custody after a failed coup attempt against the government in 1977 and scores of UNITA members suspected of opposing UNITA's policies or leadership. Since May 1991 neither

side has been willing to risk any impartial investigation which might find it or its supporters to be responsible for human rights violations. Under the terms of the Peace Accords, decisions were to be made by consensus between the government and UNITA - this means that each side can veto any action which might affect its short-term political interests. As a result, the human rights provisions of the Peace Accords, which include the cessation of all violence against civilians, the release of all prisoners arrested in the context of the conflict, respect for freedom of speech, association and movement, and the extension of government authority to areas under UNITA's control, have all been flouted or seriously delayed. There is little evidence of true concern for a future in which the rights and freedoms of Angolans will be protected.

In view of the urgent need to address human rights issues which are undermining the chances of peace, Amnesty International has decided to publish this short report which describes the human rights situation since May 1991 and to appeal to the Angolan Government and UNITA to reaffirm their commitment to upholding fundamental rights and freedoms, to cooperate within the mechanisms set up under the Peace Accords to investigate and remedy human rights abuses and to take any other necessary steps to promote respect for and protection of human rights. Amnesty International is also calling on the international observers to the Peace Accords for Angola, the United Nations (UN) and the international community as a whole to use their influence in support of greater protection for human rights in Angola.

Human rights provisions in the Peace Accords for Angola

The Peace Accords were signed on 31 May 1991 by President José Eduardo dos Santos, on behalf of the Angolan Government and the UNITA leader, Jonas Savimbi. They were endorsed by Portugal, the former colonial power; the United States of America (USA), which had supported UNITA; the former Union of Soviet Socialist Republics (whose role was subsequently undertaken by the Russian Federation), which had backed the ruling *Movimento Popular para a Libertação de Angola - Partido do Trabalho* (MPLA-PT), People's Movement for the Liberation of Angola - Workers' Party; and the UN, which was to monitor the cease-fire and will monitor the multi-party elections which are to be held in September 1992.

Each of the four related documents which comprise the Peace Accords for Angola¹ contain various provisions requiring respect for human rights. These include:

¹ The Cease-Fire Agreement, Fundamental Principles for the Establishment of Peace in Angola, the Concepts for resolving the issues still pending between the Government of the People's Republic of Angola and UNITA, and the Estoril Protocol.

- the cessation of all acts of violence against the civilian population;
- the cessation of unjustified restrictions or impediments on the free circulation of persons and goods;
- respect for human rights and basic freedoms;
- the release of all civilian and military prisoners who were detained as a consequence of the conflict - the releases were to be monitored by the International Committee of the Red Cross (ICRC);
- acquisition by UNITA of the right to conduct and participate freely in political activities in accordance with the revised Constitution²;
- neutrality of the police;
- guarantees for total freedom of expression, association and access to the media.

The Peace Accords are implemented by the *Comissão Conjunto Político-Militar* (CCPM), Joint Political-Military Commission, composed of equal numbers of government and UNITA representatives as members, and representatives of the Portuguese, USA and Russian governments as observers. Its task is to guarantee strict compliance with all the political and military understandings of the Peace Accords and make the final decision on possible violations of those accords. Its decisions, reached by consensus between the government and UNITA, are binding in nature.

A UN representative has been invited to participate in Joint Political-Military Commission meetings. The UN role in Angola is carried out by the United Nations Angola Verification Mission (UNAVEM), which had monitored the withdrawal of the Cuban troops who had been assisting the government, and had its mandate extended, as **UNAVEM II**, to fulfil the UN's responsibilities under the Peace Accords.

A subsidiary body, the *Comissão Mista de Verificação e Fiscalização* (CMVF), Joint Verification and Monitoring Commission, was established with the same composition and UN involvement as the Joint Political-Military Commission, to which it reports. Its responsibilities include preventing, verifying and investigating possible violations of the cease-fire. It has monitoring groups to monitor the observance of the cease-fire on the spot and it can also establish *ad hoc* commissions of inquiry.

The Peace Accords for Angola provide that the government army, the *Forças Armadas Populares para a Libertação de Angola* (FAPLA), People's Armed Forces for the

² The Angolan Constitution was revised in March 1991. It introduced a multi-party political system and new civil and political rights and freedoms. See Amnesty International's June 1991 report, *Angola: Human rights guarantees in the revised Constitution* (AI Index: AFR 12/04/91).

Liberation of Angola, and UNITA's *Forças Armadas para a Libertação de Angola* (FALA), Armed Forces for the Liberation of Angola, were to be withdrawn to specified assembly areas and a new national army, half from FAPLA and half from FALA, was to be formed. Government police, whose neutrality would be monitored by joint police monitoring teams comprising government and UNITA representatives and UN monitors, would maintain law and order. The government's administrative structures were to be extended to areas "beyond the range of its authority" which included areas controlled by UNITA. In March 1992 the UN mandate was extended to include the monitoring of simultaneous presidential and legislative elections which have been set for 29 and 30 September 1992.

The 16-month time-table set out in the Peace Accords for the demobilization of troops, the formation of police monitoring groups and the extension of the central administration is seriously behind schedule. Some of the delays have been caused by Angola's devastated infrastructure but a major problem has been the climate of suspicion built up during 16 years of war, the habits and practices of repression, and the deep political and ethnic divisions in Angolan society. There are reports that both sides have failed to declare reserves of soldiers and weapons which they are ready to use if the Peace Accords fail.

Politically-motivated killings

Killings are occurring on an almost daily basis in Luanda and elsewhere. Most are carried out by criminals from the ranks of unemployed with easy access to weapons, but some are reported to be politically-motivated - the police are unable to control the spiralling violence and few killings have been investigated. The incidents described below are cases which have been commented on in government or UNITA publications. The failure to investigate politically-motivated killings constitutes a violation of the Peace Accords.

The fact that the decisions of the Joint Political-Military Commission - even those concerning the most fundamental rights such as the right to life - are made on the basis of consensus means that either party can veto any action in respect of a human rights violation. This contravenes a basic principle of international human rights law - that human rights transcend national boundaries and narrow political ends.

UNITA claimed that nine of its members were killed for political reasons between June and August 1991. They included Lieutenant André Segunda, a UNITA representative on a sub-commission of the Joint Political-Military Commission at Catumbela Airport in Benguela province (see map on page 13) who, according to UNITA, was shot by one man in civilian clothes and another in a FAPLA uniform in June 1991. No official inquiries were reported to have been carried out into this or any of the eight other reported deaths.

The principle of consensus apparently led to a decision following the killing of UNITA Colonel Pedro Makanga in September 1991 that, according to a UN report, "*the killing should not be allowed to jeopardize the peace process*". The failure to carry out a full investigation into this and other deaths no doubt gave the impression that politically-motivated killings could be carried out with impunity. Colonel Pedro Makanga, UNITA's representative in Malanje province, was ambushed and killed on 30 September 1991 on the road from Malanje to Luanda. His driver and three of his bodyguards, two of whom were injured in the ambush, were interviewed by government and UNITA representatives. UNITA said that Pedro Makanga had received a false message calling him to Luanda, while government representatives said that the ambush had occurred near a UNITA military camp. Apparently, no further steps have been taken to investigate this killing.

An off-duty government pilot, Captain António do Rosário Sampaio Raimundo "Bruxo", was killed in Luanda on 3 November 1991 by the bodyguard of a senior UNITA official (UNITA bodyguards were granted police status under the Peace Accords). There were various accounts of the circumstances of his death but the killer has not been brought to justice, nor does he appear to be in custody. It was reportedly decided that he should be tried by a military court attached to the new army. It will be some time before these are set up.

On 10 November 1991 government troops killed at least six people and wounded over 20 others during a reportedly peaceful demonstration in Cabinda, the oil-rich Angolan enclave situated to the north of the rest of Angola between the Republics of Zaire and the Congo. Some factions of the *Frente para a Libertação do Estado de Cabinda*³ (FLEC), Cabinda State Liberation Front, are fighting for independence while other factions are campaigning peacefully for this goal. The government stated that the demonstrators had used violence and that an inquiry had been set up. However, as far as Amnesty International knows, more than five months later the inquiry has not yet begun. Since November 1991 there have been several reports of unarmed civilians being killed in Cabinda and their homes being burnt in reprisal for FLEC attacks. In one case, after a FLEC attack in the Necuto area between 17 and 20 January 1992, troops surrounded the house of a protestant church activist, Deacon Arão. They ordered him out of his house, accused him of sheltering FLEC members, summarily shot him and set fire to his house. There appears to have been no investigation into his extrajudicial execution or into other similar incidents.

The murder of four tourists in Huila province on 3 January 1992 was probably committed in the course of a robbery. However, the incident was turned into a political dispute after Jonas Savimbi announced that UNITA had arrested Celestino Sapalo, whom it suspected of killing the tourists. At a UNITA-organized press conference Celestino Sapalo

³ FLEC recently changed its name in late 1991 by replacing the word Enclave (*Enclave*) with State (*Estado*).

said that he was a government security agent who had been ordered by the administrator of the Chongoroi district to kill the tourists. However, government officials pointed out several inconsistencies in his statement and UN monitors in Lubango are reported to have said that there was little doubt that UNITA members were responsible and that their motive had apparently been to rob the tourists. UNITA initially agreed to allow the suspect to be questioned by a joint government-UNITA commission of inquiry but this did not take place and Celestino Sapalo apparently remains in UNITA custody.

In March 1992 Colonel Tony da Costa Fernandes, UNITA's Foreign Affairs Minister, and Colonel Miguel N'zau Puna, its Internal Affairs Minister, announced in Europe that they had left UNITA because it had failed to respect the Peace Accords. They claimed that at least five people had been executed on Jonas Savimbi's orders in August 1991: Pedro "Tito" Chingunji; his brother-in-law, Fernando Wilson dos Santos; and members of their family, including Helena Chingunji (the sister of Pedro and the wife of Wilson dos Santos) and her two children who were 13 and six years old.

Fernando Wilson dos Santos, formerly UNITA's representative in Portugal, and Pedro Ngueve Jonatão Chingunji, "Tito", who had represented UNITA in the USA, had been under arrest or restriction since they were recalled to Jamba in 1986 and 1988 respectively. They were accused of plotting against UNITA and "tried", together with UNITA's Vice President, Jeremias Chitunda, and others in February 1989. All the defendants were declared guilty and imprisoned. All except Pedro "Tito" Chingunji were subsequently released. In response to international expressions of concern, Pedro "Tito" Chingunji was removed from prison for brief periods when foreigners visited Jamba. Fernando Wilson dos Santos was subsequently rearrested. The two men were last seen alive in early 1991.

UNITA initially denied the reported execution of Pedro "Tito" Chingunji, Fernando Wilson dos Santos and members of their family, but in March 1992 it set up a commission of inquiry headed by Jeremias Chitunda and with a mandate to examine the working of the Interior Ministry. Jonas Savimbi subsequently wrote to USA Secretary of State James Baker admitting that the two men had been executed, but saying they had been killed in November 1991, when Jonas Savimbi was absent from Jamba, and not in August 1991 as Tony da Costa Fernandes and Miguel N'zau Puna had claimed. Amnesty International, during its visit to Angola, pointed out to senior UNITA officials that the commission of inquiry did not conform to generally accepted criteria of independence and impartiality. In mid-April 1992 the report of the internal commission of inquiry was handed to representatives of the Portuguese and US governments, but it has not yet been published.

In March 1992 a commission of inquiry composed of Joint Verification and Monitoring Commission members and UN representatives and the police was set up to investigate the death of four government airforce officers who were reportedly killed in Lubango on 15 March 1992. Two were said to have been buried alive under the funerary

urn of a UNITA member whom the four were accused of killing. Twelve people were subsequently detained in connection with the crime - they were members of UNITA neighbourhood committees and at least one had been released from Bentiaba prison in Namibe province in an amnesty in 1990.

Other human rights violations since May 1991

Under the May 1991 Peace Accords the government and UNITA agreed to release all civilian and military prisoners arrested as a consequence of the conflict by 31 July 1991 and that the releases would be monitored by the International Committee of the Red Cross (ICRC). By that date the government had released about 250 prisoners. UNITA had released 272 but of these only 60 left Jamba, and there were allegations that some had been coerced by UNITA security officials to remain there. By the end of 1991 the ICRC had registered 905 prisoners released by the government, which said was the total number still held after the reported release of nearly 4,000 others, mostly UNITA members or supporters, in 1990. By February 1992 UNITA was reported to have released a total of 3,000 prisoners by the end of 1991 but most apparently remain in UNITA-controlled areas. In March 1992, when UNITA released a further 30 prisoners, the Joint Political-Military Commission announced that the first phase of prisoner releases was complete and that in the second phase the ICRC would analyze lists presented by both sides of prisoners who had not been released during the first phase.

The government appears to have released all but a few political prisoners. Three who remain were convicted of spying in 1989 and two of them have been conditionally released. However, the government has not published a list of the prisoners released under amnesties in 1990 and previous years and doubts remain as to the whereabouts of some of them. Amnesty International also knows of prisoners who have been convicted of offences such as embezzlement of public funds but who are reported to have been imprisoned on false evidence as scapegoats for their corrupt superiors. In the past, the wide powers of the security police and the lack of independence of the judiciary meant that political and other suspects were not given fair trials. Public confidence in the legal system remains low. Although the judicial system was reformed in 1988, it has not yet established a reputation for independence or for defending the fundamental rights and liberties introduced into the Angolan Constitution in March 1991. After the Ministry of Security was abolished in early 1991 many of its members were reportedly transferred to the ordinary police.

UNITA continues to hold prisoners. Two people, a soldier and a civilian, who escaped in February 1992 and sought the protection of the government Joint Verification and Monitoring Commission representative in Jamba, reported that they had been held with many other prisoners. About 60 other people are reported to be imprisoned in a UNITA base in Cazombo, Moxico province, and others are said to be held in a UNITA camp in Bié province.

The killings of Pedro "Tito" Chingunji and Fernando Wilson dos Santos have aroused deep concern for the safety of other people who have been suspected of opposing the policies of the UNITA leadership and who remain in Jamba. The relatives of Mimoso Nelson Malaquias, a 72 year-old mathematics teacher at a high school in Jamba, and his daughter Germana, "Tita", who was reported to have been imprisoned on several occasions, appealed publicly to UNITA in March 1992 to allow the two to visit Luanda. UNITA responded that Mimoso Nelson Malaquias could not be spared from his duties. Adelino Manassas da Silva Neto, a São Toméan medical doctor who was captured by UNITA in 1979 and who later said that he had joined UNITA, visited Luanda in a UNITA delegation on 19 and 20 November 1991. UNITA officials reportedly ordered him to return to Jamba after relatives visited him at the Hotel Turismo where UNITA's delegation is based. Adelino Manassas da Silva Neto is said to have been imprisoned in Jamba on at least one occasion because of his suspected opposition to UNITA policies. In areas which it controls UNITA has denied freedom of movement to both individuals and to monitoring groups.

People who were extrajudicially executed or who "disappeared" before the May 1991 Peace Accords and who are still unaccounted for

Adelino António dos Santos "Betinho" and Manuel Bernardo Neto "MBala", who were arrested on 6 June 1977. They were reportedly tortured and killed a few days later.

Since Angola became independent in 1975 many people have "disappeared". Some are presumed to have been killed as a direct consequence of the conflict but others are believed to have been deliberately killed in custody or in other circumstances amounting to imprisonment. These include many hundreds of people who were arrested in 1977 and 1978 and accused of involvement in an unsuccessful coup attempt by the former Interior Minister, Bernardo "Nito" Alves, on 27 May 1977. In addition, over 40 members of the Church of Jesus Christ in the World - or "Tocoists" as they are called after their founder, Simão Toco - were reportedly executed after they were surrounded by security forces in February 1987. The "disappeared" also include scores of UNITA officials and other UNITA members who were said to have been deliberately killed by UNITA's security services, some of whom are reported to have been burnt to death in 1982 and 1983.

Amnesty International has compiled a list of hundreds of people who were imprisoned and tortured or "disappeared" after the May 1977 coup attempt. It has received many testimonies from former prisoners who described how other prisoners disappeared after ambulances and other vehicles loaded with prisoners left prisons in Luanda and other cities night after night during the following 10 months. Prisoners who were sent to a "reeducation" camp in Calunda in Moxico province described how many of their fellow prisoners were summarily executed, died of hunger or were shot as they tried to reach the manioc fields which surrounded the camp. The last mass execution of prisoners arrested in connection with the coup attempt - of at least 15 people - reportedly occurred on 23 March 1978. Some of the prisoners were sentenced to death or to imprisonment by a special court but none received even the semblance of a fair trial. On 10 April 1992 the government denied the claims in an open letter from a political party that 30,000 people had "disappeared" in 1977 and 1978. However, it recognized that what it called regrettable excesses had occurred and said that it shared the legitimate concern of the families of victims who wanted to know the fate of their relatives; it said that a commission might be set up to deal with the matter.

"Tita" Malaquias has not been able to leave Jamba to rejoin her family

UNITA's security service has tortured and deliberately killed internal critics and opponents of the UNITA leadership. Some critics were accused of being witches and burnt to death with members of their families before watching crowds in March 1982 and September 1983. According to eye-witnesses, Judite Bonga, a primary school teacher, and João Kalitangui, his wife, their three children aged between seven and 15 years and a 12-year-old niece were among at least 12 people burnt to death in September 1983. Marcial "Yemene" Hamukwaya, a former UNITA Chief of Staff who was said to have criticized South Africa's military involvement in Cunene province in southern Angola was among several UNITA soldiers originating from Cunene province in southern Angola who were reportedly killed in late 1984.

Killings of prisoners and other abuses by both the government and UNITA in the past have left a legacy which will continue to prevent reconciliation unless efforts are made to establish the truth with a view to ensuring that such killings can never happen again.

Amnesty International's recommendations

The Peace Accords have provided an opportunity to create a society based on respect for human rights. If the government and UNITA are genuinely committed to upholding the human rights of Angolans they must act decisively and immediately to ensure that human rights violations are promptly and impartially investigated. If the Portuguese, USA and Russian observers and the international community as a whole wish to ensure that the September 1992 elections lead to a future where human rights are respected, they should use their influence to promote the protection of human rights in the immediate future.

Perhaps the most effective way to prevent human rights abuses is for the most senior political and military officials to make clear public statements that human rights violations will not be tolerated and to back up these statements by inviting the public to report abuses to the appropriate authorities and then ensure that they are adequately investigated and remedied.

Amnesty International therefore recommends that the government and UNITA should together publicly reaffirm their commitment to the human rights provisions of the

May 1991 Peace Accords, particularly to respecting and upholding fundamental human rights and freedoms and to declare that all reports of violations or abuses of these rights and freedoms will be investigated and punished. As evidence of their commitment they should undertake and implement the following:

1. Both the government and UNITA - and, indeed, the other political parties competing for power - should commit themselves to respecting the impartiality of law-enforcement and to the principle that justice should not only be done but should be seen to be done.
2. Both the government and UNITA should publicly agree that any human rights abuses their forces are alleged to have committed should be investigated impartially either by the appropriate state institutions or by independent and impartial commissions of inquiry.
3. They should also agree that those responsible for killing or torturing prisoners or for other deliberate and arbitrary killings should be suspended from their posts with a view to ensuring that they are brought to justice. They should commit themselves to the principle that such individuals should never again hold a post in which they would have the custody of prisoners or power to use or order the use of lethal force.
4. The government should publish a list of prisoners who were arrested as a consequence of the conflict and were released either before or after the May 1991 Peace Accords. This would assist in establishing the whereabouts of people who have not been reunited with their families.
5. The government should also act to restore public confidence in the police and judicial system. All necessary steps should be taken to ensure that law-enforcement officials act impartially to uphold fundamental rights and freedoms in accordance with Angola's obligations under the international human rights treaties to which it has acceded⁴ and that the judicial authorities take an independent and active role in prosecuting and punishing violations of fundamental rights and freedoms⁵. The government should publicly invite monitoring groups, local human rights organizations and journalists to follow the progress of such cases through the judicial system.

⁴ It ratified the African Charter on Human and Peoples' Rights in October 1990 and became a party to the International Covenant on Civil and Political Rights in January 1992.

⁵ They should act in accordance with the Basic Principles on the Independence of the Judiciary adopted by the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

6. UNITA should publicly state its commitment to ensuring the full freedom of movement of individuals and monitoring bodies throughout Angola and invite monitoring bodies to publicize any restriction placed upon freedom of movement.
7. Both sides should undertake to inform citizens through all available means of communication - newspapers, radio and television - not only what their rights are but how and to whom they can complain if their rights are violated. They should call upon Angolan citizens in general and journalists, churches, human rights and other non-governmental organizations in particular, to complain and press for remedies when fundamental rights and freedoms are violated.
8. Both sides should commit themselves to the principle that people who "disappeared" in custody before May 1991 should be accounted for. Amnesty International welcomes the government's suggestion on 10 April 1992 that a commission might be set up in connection with those who "disappeared" after the May 1977 coup attempt. It recommends that an independent commission of inquiry should be set up to gather information about all those who have "disappeared". It should be composed of people with recognized independence and impartiality; it should have full powers to carry out its inquiry and, after the conclusion of its work, it should issue a public report. The main purposes of such an inquiry would be to ensure that the relatives of those who died are officially informed of the death⁶, to assist efforts to trace those who have "disappeared", to ensure that medical or psychiatric assistance is made available to victims of torture or other cruel, inhuman or degrading treatment and to recommend measures to ensure that prisoners will not "disappear" in the future.

Amnesty International is also appealing to the governments of Portugal, the Russian Federation and the USA, as observers to the Peace Accords for Angola, and to the international community as a whole to use their influence to ensure that violations of fundamental human rights in Angola are not ignored and to promote and support measures for the greater protection of human rights both during the period leading to elections in Angola and in the future.

⁶ An inquiry would have immediate practical benefits for people, mostly women, who would be able to receive death or presumption of death certificates which would enable them to re-marry.

Angola: provinces and provincial capitals