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A HUMAN RIGHTS AGENDA FOR THE NEW GOVERNMENT IN ANGOLA

On 23 August 2017, Angola will hold presidential elections to replace President José Eduardo dos Santos of MPLA who has been in power for nearly four decades. During this period the country has seen systematic and serious violations of human rights.

The silence of the civil war guns between the MPLA and UNITA, which ushered in the era of peace, in reality only gave way to systemic human rights violations. Human rights defenders, journalists, government critics and peaceful protestors have been dying under the government's barrel of the gun or having their limbs maimed under cruelty of batons and dog attacks. Those who are still alive continue to be intimidated and threatened in order to silence them.

In the lead up to these elections, it is important to remind Angolan authorities of the many human rights violations that have been committed and continue to be committed, and call on the coming Government to build an atmosphere in which civil, political, economic, social and cultural rights and the rule of law prevail.

Amnesty International calls on the new Angolan Government to (1) *abolish repressive laws*, (2) *end restrictions on civil and political rights* and (3) *uphold the right to adequate housing*.

The Angolan Judiciary has demonstrated that it is possible to abolish repressive laws and uphold the constitution. Recently the Constitutional Court took the courageous decision to strike down the NGO Law passed on 23 March 2015 as Presidential Decree No. 74/15. This law changed the previous legal framework for the exercising of activities of nongovernmental organizations operating in Angola, raising several concerns regarding the shrinking space of civil society, including: excessive requirements and unreasonable procedures for NGO registration; excessive control over NGOs activities; oppressive funding restrictions for NGOs;

unreasonable duties on NGOs; and excessive sanctions against NGOs.

I. ABOLISH REPRESSIVE LAWS

To silence critics, particularly journalists and academics, the Angolan Government has introduced defamation laws, among others, to restrict freedom of expression and circulation of information. The practice of misusing the justice system and other state institutions to silence dissent has been commonplace.

Communication/Media Laws

In January 2017, Angolan Congress passed five bills restricting the exercise of free speech particularly free press in the country. Known as the “Social Communications Pack”, the bills include:

- Law No. 1/17: Press Law
- Law No. 2/17: Angolan Social Communications Regulatory Body
- Law No. 3/27: Exercise of Television Activity
- Law No. 4/17: Exercise of Broadcasting Activity
- Law No. 5/17: Journalist Statute

The pack sets forth a series of regulations on social communication (also called mass communication) and even establishes an administrative entity responsible for regulating and supervising social communication in Angola. The social communications regulatory body in particular has a wide range of regulatory and oversight competences, including determining whether or not a given communication meets good journalistic practices, which amount to censorship and hindrance the free flow of ideas and opinions. The majority of the regulatory body’s members are nominated by the ruling party and the party with the most seats in the National Assembly (MPLA in both cases), raising concerns that the body is designed as a political institution designed to silence critics and dissenters.

Criminal Defamation Law

In Angola, defamation is considered to be a crime, and has served as a tool to suppress free media and investigative journalism against the government. Journalists have been systematically targeted with charges of defamation after speaking out against corruption and government malfeasance.

Rafael Marques de Morais, a human rights defender and investigative journalist, was convicted of criminal defamation in 2015 and sentenced to six months in prison for committing “slandorous denunciation” against 12 individuals, including members of the armed forces, for writing about their alleged complicity in human rights abuses committed in the diamond fields in the Lunda North and Lunda South provinces.

Defamation laws hinder a correct depiction of politicians, as they are protected against investigative journalism which could expose their wrongdoings. In the Angolan Law on Crimes against State Security, defaming the President and other government officials can be considered a threat to national security and a criminal offense.

Align the National Security Law¹ with the Constitution

The Angolan Law on Crimes against State Security,² passed in December 2010 in violation of Angola’s human rights obligations, has been used by the government to restrict the exercise of rights. The new law restricts freedom of expression and is used to justify arbitrary detention, especially of journalists. Article 25 – *Outrage towards the State, its symbols and its organs* – sets forth that publicly outraging the Republic of Angola or the President through words, images, writings or audio can be considered a crime against State security, punishable with up to three years in prison.

On the basis of this law, human rights defender and former prisoner of conscience José Marcos Mavungo was sentenced to six years in prison in 2015 for “rebellion”, a state security offence, for his involvement in organizing a peaceful demonstration. The Supreme Tribunal later found there was insufficient evidence against him and ordered his acquittal.

Demonstrations in Angola are governed by the Constitution and the Law on the Right of Meetings and Demonstrations of 11 May 1991.³ Article 47 of the Constitution declares: “*Freedom of assembly and peaceful, unarmed demonstration shall be guaranteed to all citizens, without the need for any authorisation and under the terms of the law.*” Article 3 of the Law on

¹ Lei 23/10 Lei de Crimes Contra Segurança do Estado. Available at: http://www.repcomangola.com.pt/repcom_dba/CRM/PDFFILES/Lei_23_10_Lei_crimes_contraseguranca%20%20do%20estado.pdf.

² Ibid.

³ Lei Sobre o Direito de Reuniões e das Manifestações de 11 de Maio de 1991.

Demonstrations protects the right to peaceful assembly and association: *“All citizens have the right to assemble and demonstrate freely and peacefully, in public places, open to the public and individuals, without need of any authorization...”*

However, in reality these laws are constantly disrespected by Angola authorities, who meet peaceful demonstrations with disproportionate violence. Article 26 of the Law on Crimes against State Security determines that "riots, disorder or clashes" that "disturb the functioning of organs of sovereignty" are considered crimes against state security, with up to two years of imprisonment. In its vagueness, this law does not specify what activities could be considered disturbing the functioning of public organs.

II. END RESTRICTIONS ON CIVIL AND POLITICAL RIGHTS

Prohibitions on freedoms of peaceful assembly, association and speech are fairly common practice in Angola. Journalists, government critics, political dissenters, human rights defenders, peaceful protestors have faced systematic intimidation and threats and outright violence from security forces.

End Restrictions on Freedom of Assembly

The authorities have frequently refused to allow peaceful demonstrations to take place, even though they do not require prior authorization in Angola. Often when demonstrations did take place, the police arbitrarily arrested and detained peaceful protesters. Thus, on 24 June 2017, government security forces violently dispersed a peaceful demonstration organized by the Lunda-Tchokwe Protectorate Movement, in Lunda Norte, killed a bystander, injured 13 and arrested 70 protesters. The protesters were asking for autonomy, for the end of persecution and arbitrary imprisonment of member of their organization, and for the freeing of political prisoners in the Kakanda Prison in Lunda-Norte Province.⁴

On 28 March 2015, the 17 youth activists known as the Angola 15+2, were subsequently convicted of “preparatory acts of rebellion” and “criminal

⁴ 1 Morto e 13 Feridos Numa Manifestação na Lunda Tchokwé. Available: <http://pt.rfi.fr/angola/20170624-1-morto-e-4-feridos-numa-manifestacao-na-lunda-tchokwe>; see also Rights Violations Intensify Ahead of August Elections: Peaceful Assembly. Available at: <https://monitor.civicus.org/newsfeed/2017/07/06/rights-violations-intensify-august-elections-Angola/>.

conspiracy” and sentenced to prison terms ranging from three months to eight and a half years, as well as fines of 50,000 kwanzas (US\$300) each for court costs and jailed. They were arrested and detained after they had attended a meeting to discuss political issues and governance concerns in the country.⁵

On 30 July 2015, more than 30 peaceful activists were arbitrarily arrested and detained for up to seven hours in the city of Benguela. They were planning to take part in a peaceful demonstration organized by the Benguela Revolutionary Movement to demand effective measures against inflation. They were all released without charge. However, a few days later, four of the activists were rearrested, again without a warrant, and were released on bail. No one was held to account for the arbitrary arrests and detentions.⁶

End Restrictions on Freedom of Association

Civil society organizations working on human rights issues, such as OMUNGA and SOS-Habitat, faced undue restrictions on accessing their funds, including from international sources. Banks prevented the organizations from accessing their accounts. This not only hampered their legitimate work but also undermined the right of associations to seek and secure resources, and had a broader impact on human rights in general. Despite their complaints to government institutions in charge of overseeing banking activities, no response had been received by the end of the year.⁷

End Restrictions on Freedom of Expression

The Law on Crimes against State Security and the Penal Code, in conjunction with the recently passed “Press Pack” laws – Press Law; Organic Law of the Social Communication Regulatory Entity; Law on the Statute of the Journalist; Law on the Exercise of Radio Broadcast Activities; Law on the Exercise of Television Broadcast Activities – constitute the anti-freedom of expression edifice within which, on 20 June 2017, Rafael Marques de Morais, an investigative journalist and editor of Maka Angola, and Mariano

⁵ Amnesty International Report 2016/17: The State of the World's Human Rights, pp. 65-68. Available at: <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>.

⁶ Amnesty International Report 2016/17: The State of the World's Human Rights, pp. 65-68. Available at: <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>.

⁷ Amnesty International Report 2016/17: The State of the World's Human Rights. Available at: <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>.

Brás Lourenço, a journalist and editor of “O Crime”, were charged with “defamation of a public authority” and “outrage to a sovereign body” in relation to an article they published questioning the acquisition of public land by the Angolan General Public Prosecutor.⁸

III. UPHOLD THE RIGHT TO ADEQUATE HOUSING

In its 2016 review of Angola, the UN Committee on Economic, Social and Cultural Rights expressed concern at the persistence of forced evictions, including from informal settlements and during development projects, without the necessary procedural guarantees or the provision of alternative housing or adequate compensation to the affected individuals and groups. Communities were resettled in makeshift homes without adequate access to basic services such as water, electricity, sanitation, health care and education.

On 6 August 2016, a military officer shot dead 14-year-old Rufino Antônio, who was standing in front of his home in an attempt to prevent its demolition. The military police had been deployed there that day to deal with a demonstration against the demolition of houses in Zango II, Viana Municipality in Luanda, in the context of a development project. An investigation was opened but no one has been held to account for this killing.

⁸ Angola: Human Rights Defender and Journalist Charged: Rafael Marques de Morais And Mariano Brás Lourenço. Available at: <https://www.amnesty.org/en/documents/afr12/6619/2017/en/>.