

# ANGOLA

## Human rights - the gateway to peace

Full-scale war returned to Angola in December 1998, heaping further suffering on people who have already endured over 35 years of conflict. The conflict has progressed through the phases of anti-colonial struggle and cold war politics and is now increasingly linked with the war raging across central Africa. Much of Angola's oil and diamond wealth has been spent on war materiel and its agricultural potential stifled: this has prejudiced people's rights to food, health care and education. A further casualty of the past is a diminishing respect for civil and political rights on the part of those whose duty it is to uphold them.

As this document goes to print, the United Nations (UN) is considering the future of the *Missão de Observação das Nações Unidas em Angola* (MONUA), the UN Observation Mission in Angola, and whether to renew the operation's mandate which expires on 26 February 1999. In January 1999 the UN Security Council called for a continuing multidisciplinary UN presence under a Special Representative of the Secretary-General which would include a human rights presence. Angola, as a party to international and regional human rights treaties, has committed itself to upholding human rights. The government should therefore welcome the opportunity to continue to cooperate with UN human rights officers.

During 1998 the Angolan peace process unravelled. The *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, had failed to comply with the Lusaka Protocol (1994) requirements to allow the state to extend its authority over UNITA-controlled territory and to stand down and disarm its estimated 20,000 to 30,000 troops. The government had failed to fulfil its task of disarming civilians who had been given arms during previous periods of conflict and militia groups, banned under the peace agreement, increased in numbers. From March 1998 the security situation began to deteriorate. Fighting between government and UNITA troops increased, particularly in the north and east and in the central highlands, and armed attacks on villages and ambushes occurred in many other parts of the country. In December, government aircraft attacked UNITA's strongholds of Andulo and Bailundo in the central highlands and *UNITA attacked the cities of Kuito, Huambo and Malange*. As a result of the fighting in December 1998 and January 1999 hundreds of people were killed and over 200,000 displaced.

A military offensive against UNITA appeared to be under consideration from mid- 1998. In August thousands of Angolan troops entered the conflict in the Democratic

Republic of Congo (DRC) in support of President Kabila<sup>1</sup>. A principal part of the government's strategy was to prevent UNITA and factions of the *Frente para a Libertação do Enclave de Cabinda* (FLEC), Front for the Liberation of the Cabinda Enclave, using the DRC as a rear base. In early September, UNITA representatives in the Government of National Unity and the National Assembly were suspended. Most were reinstated after some of them formed a breakaway faction called *UNITA Renovada* (Renewed UNITA), and others, while refusing to join Renewed UNITA, said that they were in favour of peace. The Angolan government recognized Renewed UNITA as its partner in the peace agreement and sought to prevent Issa Diallo, the UN Secretary-General's Special Representative in Angola<sup>2</sup>, from meeting UNITA leader Jonas Savimbi.

International attention on Angola focuses on the problems associated with the implementation of the peace agreement between the government and UNITA. However, in Cabinda, an enclave separated from the rest of Angola by a strip of DRC territory, the government faces armed secessionist groups. Both conflicts have generated gross human rights abuses.

The Human Rights Division of MONUA performs an essential function in promoting and monitoring human rights. MONUA also includes UN civilian police, whose main tasks were to monitor the activities of the Angolan police in order to promote neutrality and respect for fundamental human rights, and to oversee the disarming of the civilian population. UN reports on MONUA's activities in 1998 have noted that the deterioration of the security situation has been accompanied by an increase in reports of human rights abuses, particularly by UNITA but also by government security forces<sup>3</sup>.

The conflict in Angola has undermined efforts to build a society based on the rule of law, but a lack of political will to end the abuses has imposed additional suffering which, in turn, contributed to the mistrust which has fuelled the conflict. Whatever is decided concerning the future of the UN operation in Angola, it is vital that human rights monitoring should continue. Both sides should be held to their obligation under international humanitarian law to protect human rights in times of conflict. It is also important that in its continuing search for peace in Angola, the international community

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<sup>1</sup> Angola had provided military support to the coalition that brought President Kabila to power in May 1997 and the forces which overthrew President Lissouba of the Republic of Congo in October 1997.

<sup>2</sup> Issa Diallo replaced Alioune Blondin Beye who was killed in an air crash in June 1998.

<sup>3</sup> For example, the Report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA), S/1998/1110, of 23 November 1998

should ensure that human rights protection is central to any solution to the conflict. Peace is unattainable without respect for human rights.

This report concentrates on human rights abuses which have taken place in 1998 and early 1999. These abuses follow the pattern set in previous years.

### **Application of international human rights and humanitarian law**

The human rights violations by government forces described in this report contravene international treaties to which Angola has acceded. UNITA and FLEC factions have also violated fundamental principles of humanitarian law.

As a bare minimum, the provisions of Article 3 of the Geneva Conventions would be applicable to the conflict in Angola. Article 3, which is common to the four Geneva Conventions, provides for the protection of persons taking no active part in the hostilities, including members of armed forces who have laid down their arms, and requires such persons to be treated humanely. In addition, Article 3 prohibits certain acts against such persons, including violence to life and person, torture, taking of hostages and humiliating and degrading treatment. Acts committed by either side to an internal conflict in violation of Article 3 may be considered as grave breaches of the Geneva Convention.

All those involved in armed conflict in Angola -- members of the Angolan security forces and armed groups such as UNITA and FLEC -- who commit human rights abuses may be held accountable for their actions which may be considered crimes under Angolan domestic law and for violations of common Article 3 of the Geneva Conventions. By including acts which violate common Article 3 in the statutes of the International Criminal Court and the International Criminal Tribunal for Rwanda, the international community has affirmed that individuals who commit such acts could be held criminally responsible under international law.

In addition, the Angolan Government is required to abide by its obligations under international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights (African Charter) in its dealings with its civilian population. Although the Government is entitled to derogate from the rights protected under the ICCPR, certain rights including those prohibiting arbitrary killings and torture cannot be derogated from even during times of war. The African Charter does not allow for any derogations from the rights guaranteed in that treaty. The Angolan Government is also required to implement other human rights standards including the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules for the Treatment

of Prisoners, the Code of Conduct for Law Enforcement Officials, the Declaration on the Protection of All Persons from Enforced Disappearances and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

### **Human rights violations by government police and security forces**

The government has taken some steps to increase protection for human rights. Prosecutors have been placed in police stations to ensure that the rights of those arrested are respected. Parallel to this the Bar Association has recently begun placing lawyers in some police stations to advise detainees of their right to defence. However, there appears to be little real will to end human rights violations. Efforts to create a state of law are undermined by the pervasive corruption which enriches senior officials while the meagre salaries of civil servants, police and soldiers remain unpaid for months. The criminal justice system fails to protect citizens from infringements to their rights to life, to freedom from torture and to a prompt and fair trial as well as their rights to freedom of expression and association. Political activists, trade unionists and journalists face threats against their physical safety, criminal suspects face ill-treatment and extrajudicial execution as do suspected political opponents in rural areas. Those responsible for violating human rights persist in their activities in the knowledge that they are unlikely ever to be brought to justice.

#### *The rights to freedom of speech and association*

“Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests” (Article 22 of the ICCPR)

Attacks against the rights to freedom of speech and association undermine the defence of all other rights. They also delay peace and reconciliation by obstructing the flow of information and the airing of different points of view about what is going on in Angola.

During the peace process Angolans have increasingly claimed their rights to freedom of expression and association. However, in practice, these rights continue to be restricted. In November 1998, the journalists’ trade union accused the government of wanting to turn them from reporters into mere propagandists. Journalists, trade union activists and representatives of political parties either practice self-censorship or, if they speak out, face vague or specific threats of harm or even death.

Journalists frequently receive anonymous telephone calls or letters. Several journalists have been killed in strange circumstances including two in 1998. Investigation into such cases has been slow and inconclusive. For example, the killers of

journalists Ricardo Melo in Luanda in January 1995 and António Casimiro in Cabinda in October 1996 have not yet been apprehended: little effort was made to bring those responsible to justice. In 1998 journalists repeatedly expressed concern about attempts to restrict their freedom of speech. In November, the Union of Angolan Journalists said “.. Angolan society is under the thrall of what we might term a ‘conspiracy of silence’.”

In January 1999, José Manuel Alberto and José Carlos Sande, two staff members of a private radio station in Benguela, Radio Morena, were briefly detained. They were reportedly questioned about the broadcast of an interview which UNITA’s Secretary General had given to a radio station in Lisbon, Portugal, in which he accused the government of shooting down two UN planes in Huambo in December 1998 and January 1999 respectively. The judge who ordered their release reportedly stated that the interview contained remarks about the Angolan army leadership which were “highly offensive.”

Trade unionists have also faced harassment. Miguel Filho, the Secretary General of the *Sindicato Nacional de Professores* (SINPROF), National Teachers Union, has frequently received threats and some threats have been made against his family. The most recent threat came in May 1998 when he complained to the police about previous threats.

Church representatives have also been arrested or threatened for exercising their freedom of speech. Afonso Justino Waco, a Protestant cleric, was arrested in Cabinda city in August 1998 after giving a radio interview and accused of defaming the government. He was regarded by Amnesty International as a prisoner of conscience. Pastor Waco, a non-violent advocate of Cabinda’s independence, had told the Voice of America radio station about the movement of Angolan troops towards Cabinda’s border with the DRC. He was released five days later, the day after the government first confirmed that it had sent troops to the DRC. Also in Cabinda, a Catholic priest preached a sermon in September 1998 in which he expressed concern that some former FLEC members had pointed out suspected FLEC supporters to the authorities. Amnesty International received a copy of a letter from the Provincial Delegate of the Ministry of Interior to the Bishop of Cabinda which claimed that the priest’s attitude encouraged civil disobedience. The writer declined any responsibility for what might happen if the priest did not change his behaviour.

As tension increased in 1998 UNITA members and others associated with them were increasingly the victims of threats and harassment. There has apparently been no official investigation into the claims of UNITA members who did not join the Renewed UNITA that they had received threats of physical harm. There was an apparent attempt against the life of one of them, UNITA National Assembly Deputy Abel Chivukuvuku. Shots were fired into his car as it emerged from his home on 2 October 1998. Two other

UNITA deputies were arrested in connection with the attempt but released soon afterwards.

Five UNITA deputies who had refused to join Renewed UNITA were arrested in January 1999. Daniel Domingos and Carlos Alberto Kalitas were arrested on 9 January. Three others, Carlos Tiago Candanda, Manuel Savihemba and João Vicente Vihemba, were arrested on 13 January. According to an official announcement, all five were arrested in *flagrante delicto* in connection with crimes against state security and were being detained on the orders of the Supreme Court. Three of the detainees were reported to be ill and one, Manuel Savihemba, was reportedly on a drip at his home at the time of his arrest. The detainees reportedly did not have prompt access to legal representatives or to family members. Also in January, Horácio Junjuvili, who had been UNITA's deputy representative in the Joint Commission set up to implement the peace process, was reportedly placed under house arrest at his hotel. Amnesty International urged that the detainees be given immediate access to medical practitioners and family members. It also called for them to receive full facilities for the preparation of their defence, including legal counsel of their choice, and a prompt and fair trial.

In failing to carry out exhaustive investigations into threats or other attempts to limit or deny citizens' rights to freedom of expression and association, the authorities have undermined these rights.

#### *The behaviour of the police*

*"In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons"* (UN Code of Conduct for Law Enforcement Officials, Article 2)

Police routinely abuse their power. The lower ranks are poorly paid and frequently demand bribes or try to obtain goods by force. There have been numerous reports of police beating, wounding and even killing those who try to resist. Reports of human rights violations are seldom investigated and police are rarely held accountable.

#### *Violations against suspected criminals*

Many of the victims of killings attributed to police officers are suspected criminals or people who merely disobey police orders. António Mavungo, a catering worker, reportedly died after being beaten on the head by a police officer in Cacongo, Cabinda, in March 1998 after a dispute over a water container. When António Mavungo stooped to pick up the container the officer reportedly hit him on the back of the head with the butt

of his gun. The officer and a colleague subsequently fled in a stolen car. The Cacongo police commander promptly ordered the arrest of the two officers but there has been no report of anyone being detained or charged in connection with the murder.

There has apparently been no investigation into the killing of at least six young men in raids, apparently by police in civilian clothes, which followed the shooting of a police officer in the Sambizanga suburb of Luanda on 8 April 1998. The victims were killed in separate incidents in various parts of Sambizanga on the morning of 9 April. Local people who witnessed the incidents said subsequently that they believed the perpetrators to be police officers. Some said they had heard the perpetrators claim that they aimed to avenge the murdered officer's death. Those killed included Moisés Daniel who was arrested in his bedroom and taken away. The family later found his body, riddled with bullets, in another street. Police reportedly later claimed that those killed had been shot while resisting arrest. There has apparently been no official investigation into these deaths.

At least three young men were reported to have been killed in a police operation in Cazenga suburb, Luanda, on 22 July 1998. Family members of two of the dead told journalists that they had witnessed the killings. The relatives of a third victim, Clementino Cardoso, said that after police arrested him and led him away they heard shots and a cry: "Oh mother, I am innocent." They ran to his assistance and found his body. There has apparently been no attempt to bring to justice those responsible for the killings.

#### *Deaths in police custody*

The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) states, in Principle 34, "Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority ....". The Body of Principles defines "a judicial or other authority" as one "... whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence".

There have been scores of reports of people dying or being killed in police custody but their deaths are seldom investigated.

In one case, after publicity about 10 UNITA members who died in custody on 11 November 1997, an inquiry was held. Earlier that day 23 military and civilian UNITA members had been arrested in Kangandala and taken to Malange, the provincial capital, where they were held in an overcrowded cell. They were accused of attacking government officials, one of whom was severely beaten. The inquiry into the deaths,

headed by an Inspector General of the Ministry of Interior, was held in early December 1997. It was not independent and in this and other ways did not conform to minimum international standards for such investigations. According to the inquiry report, the 10 men had died as the result of a fight which broke out in the cell. The report did not give essential details on the conditions in the cell, the circumstances of the deaths, or even the injuries sustained or the causes of death. No autopsies were carried out. The report made no recommendations for any criminal or disciplinary action to be taken against any police or administrative official involved in the incident or for any measures to be taken to prevent such deaths recurring in the future.

Boaventura (other name not reported) was among over 40 UNITA officials and supporters arrested in mid 1998 and held without charge or trial in Saurimo district police station until September. Boaventura died on 5 September either from starvation or from malaria. Those held with him were released on 8 September, some in a very poor state of health. The officer in charge said that he had no budget to buy food for the prisoners.

Four youths, at least one of whom appeared to be a minor, died in a police post on the Ilha do Cabo, a spit of land encircling the Luanda harbour, in late November 1998. Their bodies were taken to the morgue and the causes of death were reportedly registered as asphyxiation. Three were buried before non-governmental organizations (NGOs) were alerted. According to reports, the four youths had been held in a hot, overcrowded cell full of human waste. At the instigation of NGOs, an autopsy was carried out on the body which had not been buried. This reportedly stated that the victim had a cranial fracture, broken ribs and arm and marks on the back and legs indicating that he had been badly beaten. The police said that the case was being investigated by the criminal investigation department. There were also reports that police had interrogated members of the NGOs working on the case with the apparent intention of dissuading them from criticizing the police.

#### *Other human rights violations by police and soldiers*

Both the police force, which operates with the army in contested areas, and the army carried out abuses in the context of forced recruitment or conscription of young men into paramilitary or military service. Such recruitment drives, which occurred in Luanda and various provinces, were carried out in contravention of the law on military service. Those who resisted risked being shot. Some of those conscripted appeared to be under 20 years of age, the legal age for conscription. In November 1998 parliament approved a resolution for the enrolment of young men approaching military age. However, the authorities appear to have taken no action to stop illegal recruitment or bring those responsible to justice.

Those forcibly recruited may be taken to different parts of the country and some lose touch with their families. A man told journalists in Luanda in July 1998 that he had been unable to trace his son who had been rounded up two weeks earlier. At a training camp in Bié province, several recruits were reportedly beaten in July and told that they would be shot if they tried to escape. In the same month, students, some as young as 14, were reportedly rounded up outside their school in Caxito, Bengo province. Some were reportedly released after paying bribes.

Both soldiers and police abuse their powers in order to extort money and seize goods from those whom it is their duty to respect and protect. They do this frequently and openly in the knowledge that they are unlikely to be held accountable for their acts. In some areas, police and soldiers extort money or other goods from young men whom they threaten with forcible recruitment. There have been reports of soldiers throwing hand grenades into crowded markets to scatter vendors so that they can take the merchandise. In October 1998, police arrested two soldiers who detonated a hand grenade in a market in the São Pedro suburb of Huambo, killing one woman and injuring four others.

Two police officers reportedly raped a 12-year-old girl in Quibala district, Kwanza Sul province, in November 1998. According to the report, when the girl refused their request for sexual favours they forced her, at knife point, to lie down on a sack on the ground and both raped her. This incident is said to have occurred in daylight in the view of other children.

### **Human rights abuses in disputed areas**

Between March and December 1998 clashes between government and UNITA forces intensified all over the country and particularly in the north, northeast and the central highlands. There were frequent attacks on vehicles and on villages. Hundreds of civilians were killed and thousands displaced. It was usually difficult to identify the perpetrators. For example, an attack near the Bula diamond mine in July 1998 left about 100 dead: the government blamed UNITA but UNITA denied responsibility and no thorough investigation was carried out. Humanitarian convoys were ambushed and several international and local staff of the UN and international aid organizations were killed or injured. In most cases the perpetrators were not identified, though some of these attacks were attributed to UNITA. In one case, after a convoy was attacked by about 40 men in government army uniforms in Kwanza Norte province in November 1998, three trucks were set on fire and one person was killed.

### *Human rights violations by government forces against UNITA suspects*

While UNITA was reportedly responsible for most of the attacks on civilians in contested areas, government forces were also responsible for attacks on civilians and communities where support for UNITA was strong. People suspected of supporting UNITA faced arrest and there were reports of scores of people “disappearing” in custody or being extrajudicially executed. The victims of these violations included UNITA officials, suspected UNITA sympathisers and their relatives. They also included demobilized UNITA soldiers, particularly those who could not present national identity documents. Those responsible were rarely brought to justice.

Among those who apparently “disappeared” were nine demobilized UNITA soldiers, including former Colonel José Maria Kapinala. Police reportedly arrested them in Mumbué, Bié province, in late December 1997 or early January 1998 and said that they were taking them to Menongue, Kuando Kubango province. UN officials subsequently made inquiries but found no trace of the nine men. Two other UNITA supporters, Luis Chiponde and Joaquim Chimbali, were arrested in Kawewe in June 1998 and taken to Chitembo, Kuando Kubango, where they apparently “disappeared”.

There were reports of police forcibly displacing people by telling them to leave and then burning their villages. The motives for these actions were not clear. The villages of Luaquisse, Saifula and Tchiongo were reportedly razed on 4 and 5 June 1998 by police from Mutumbo and Mumbué in Bié province. A UNITA report also mentioned attacks on 13 June on villages on the right bank of the Chissolonga river, Bié province, during which women were raped and houses burned.

At least five people were reportedly extrajudicially executed during an operation by military police in Kikolo, Luanda province, in July 1998. Some of the victims were shot as they walked towards the vehicles in which other young men were subsequently taken away. Some witnesses suggested that the operation was one of several unauthorized conscription drives by government forces reported during July. Others claimed that the victims were UNITA supporters or suspected criminals. There was apparently no judicial investigation into this incident.

A Protestant cleric, Manuel Milongo, was killed in what may have been an extrajudicial execution in Quibala district, Kwanza Sul province, in August 1998. Several Protestant clerics had fled from villages in the area on hearing that local officials suspected that they were UNITA supporters. Manuel Milongo, who had not fled, was reportedly killed a few days later by a group of men carrying machetes and guns.

In September and October 1998 there was an upsurge in violations in Negage, Uige province. Nicolau Tiua, a 59-year-old health nurse, who had worked for UNITA, was reportedly abducted from his house in Negage in late September by three men in

army uniforms and one in civilian clothes who said “the time has come to clean up this place”. A few days later, police reportedly arrested Monteiro Cambenge, a civilian who had formerly worked for UNITA, at his home in Negage. He was subsequently shot dead. A police commander suggested that this may have been an act of revenge for the killing of a policeman. At this time there were other reports of killings and of demobilized UNITA soldiers being arrested in Uige province and of restrictions on the movement of UNITA officials.

A MONUA soldier of Namibian nationality was killed by a police officer in Huambo on 1 February 1999. The police accosted the UN soldier and a companion and demanded money at gun-point. One UN soldier grabbed the gun held by one of the police officers and emptied it by firing into the air. At the same time the second police officer stabbed the other UN soldier.

*Human rights violations against FLEC suspects.*

Government forces in Cabinda were also responsible for beatings, “disappearances” and extrajudicial executions in 1998. Between 22 and 24 August Angolan troops raided several villages in northern Cabinda whose inhabitants they apparently suspected of supporting FLEC. During the raids they reportedly tied up a number of people, beat them with the butts of their guns, killed others and burned houses. Eight young men reportedly died after being shut up in a house in Tseke M’Baza village which was then set alight. Five young men including Jorge Cuba and a citizen of the Republic of Congo, were reportedly killed in Londe Luconzi village. Teófilo Ndendele of Maluango-N’zau village was reported as having “disappeared” after being arrested. The villagers fled. According to reports most were afraid to return although some of the women did venture back in order to gather belongings and to bury the dead. Also in August 1998, government soldiers based in the DRC are reported to have crossed into central Cabinda where they raided houses, raped women and arrested and killed men.

Pedro Zacarias Lelo and Vicente Armando were arrested in September 1998 as they were driving in the vicinity of Cabinda city, apparently on suspicion that they were members of a FLEC faction. They were reportedly initially taken to a military police centre. In November witnesses reported that their vehicle was parked in one military camp and that a body, wearing clothes similar to those of Pedro Zacarias Lelo, was seen in a nearby area strewn with landmines. There has apparently been no investigation into the “disappearance” of the two men.

*Human rights abuses in the DRC and Republic of Congo*

Angolan troops fighting in the DRC in support of President Laurent Kabila since August 1998 and troops who remained in Republic of Congo after assisting President Denis Sassou Nguesso to oust former President Pascoal Lissouba in October 1997 are reported to have carried out human rights violations.

In the DRC, Angolan soldiers were reported to have entered Kimbianga refugee camp near the Cabinda border on the Chilungo river in August 1998, killing some refugees and sending others fleeing for safety.

Many Cabindan refugees are congregated near Pointe-Noire in the south of the Republic of Congo and there have been several reports of human rights violations by Angolan soldiers based in the city. A 23-year-old woman from Cabinda, whose name is being withheld, reported she was raped by Angolan soldiers on the night of 29 July 1998 in Makayabou, a Pointe-Noire suburb. She said that a group of seven soldiers stopped her and searched her for money and that after her husband left to seek help, three of the soldiers struck her several times and then raped her. When her husband subsequently returned with Congolese police the Angolan soldiers shot in the air and left the scene. A police officer to whom the woman reported her ordeal the following day refused even to take a statement. No action is known to have been taken by the Congolese authorities.

### **Human rights abuses by UNITA and FLEC**

#### *Abuses by UNITA*

UNITA's Political Commission, on 13 March 1998, the 32nd anniversary of its formation, set out various objectives for the movement. These included that of seeking: "... national balance on the basis of respect for basic human rights such as the right to life and other rights that will allow Angolans to live in a reciprocal system of tolerance and equality of all before the law .."

During 1998 UNITA troops are reported to have abducted hundreds of civilians, including children, to have raped women and to have carried out deliberate and arbitrary killings. Administrative officials and traditional leaders suspected of supporting the government were particularly targeted. Among the hundreds of reports of abuses against civilians the following are a few examples.

UNITA reportedly abducted 16 police officers and killed 14 of them near Cuito Cuanavale in Kuando Kubango province in March 1998. Two survivors, including Domingo Daniel and José Fellowman, told reporters that their colleagues had been disarmed and then executed. UNITA forces reportedly stabbed and beat six

traditional leaders to death in June 1998 in Kissanga, Malange province. Another 15 traditional leaders were reported to have been deliberately and arbitrarily killed near Kuito, Bié province, between June and August. In Kimbilimba, Kwanza Sul province, several people were said to have died in August 1998 after being shut in a house which was then set alight.

In August 1998 at least sixty people, possibly many more, were killed in Luremo in Lunda Norte province in an attack which was attributed to UNITA. Some of the victims appeared to have been deliberately and arbitrarily killed either while hiding or attempting to run away. The body of one man had his arms tied behind his back at the elbows and a woman had been stabbed then shot. Some of the bodies had been burned. The attackers occupied Luremo and surrounding villages on 31 August and remained until government forces reoccupied the area on 15 September.

In October, UNITA troops in Catabola, Bié province, reportedly murdered two traditional leaders who had refused to give them food. During an attack in Capela, Bié province, in early November 1998, which was attributed to UNITA, 11 villagers were reportedly abducted and the bodies of three of them subsequently found in the bush.

Over the years, people suspected of opposing UNITA policies or leadership have been imprisoned and many have been deliberately and arbitrarily killed. UNITA reportedly continued to hold suspected dissidents under house arrest under harsh conditions. These included a number of women, some of whom had been Jonas Savimbi's mistresses and his wife, Ana Isabel, whom he had accused of infidelity. Another suspected dissident, Oliveira Epalanga Ngolo, was reportedly kidnapped from Côte d'Ivoire where he had been studying in 1986 and taken to Jamba, UNITA's former headquarters in southeastern Angola and subsequently restricted to a remote village. *Some of those arrested reportedly "disappeared" in custody. They include João Baptista Sikato, a teacher in Andulo, who was said to have been arrested in 1996 and accused of being a member of a cell of government supporters.*

#### *Abuses by FLEC factions*

One of the FLEC factions took people as hostages. Nine Angolan and two Portuguese road workers were abducted in April 1998. In June the two Portuguese and one of the Angolans were released but the fate of the other Angolans was not clarified. A Malaysian forestry worker, Omar Bin Norola, who had been held since February 1997, was also released in June.

Marcelin Alime, a Philippines citizen arrested with him, was reported in 1997 to have died in custody of an illness. Supporters of another FLEC faction allegedly killed teacher Mateus Gomes at his school in June 1998 then decapitated his body. Mateus Gomes had reportedly refused to teach their children.

### **Human rights abuses in the context of the fighting since the beginning of December 1998**

In early December 1998, government forces attacked UNITA's strongholds at Andulo and Bailundo in central Angola. The government had accused UNITA of beginning the offensive by mounting "Operation Black" aimed at capturing Kuito and Huambo. The government also blamed the UN for failing to disarm UNITA.

In the ensuing fighting in December and early January 1999, which was most intense in Bié, Huambo and Malange provinces, there were reports of indiscriminate bombardment, the displacement, during December alone, of some 200,000 civilians<sup>4</sup>, and the laying of new land mines, which sometimes appeared to be aimed solely at civilians. In government-controlled areas there were reports of looting, including by government soldiers and police who were also accused of robbing and ill-treating civilians. Internally displaced persons reported that UNITA troops killed and tortured civilians and burned houses. Both sides are believed to be holding prisoners. It was very difficult to obtain details of reports of human rights abuses and in many cases it was impossible to determine the identity of those responsible.

In mid-December, during fighting in Kunje, about 10km North of Kuito, about 100 civilians, mostly internally displaced people camped at a disused railway station, were reportedly killed in an indiscriminate attack which military authorities attributed to UNITA. On 16 December prisoners were reportedly paraded through Kuito streets in army vehicles and bystanders called on soldiers to cut their throats. Parading prisoners constitutes humiliating and degrading treatment under common Article 3 of the Geneva Conventions. By the time the siege ended in early January, 200 civilians were reported to have been killed in Kuito.

In early January 1999, between 30 and 40 people were killed in Malange when UNITA forces shelled the city in broad daylight. Observers reported that this mortar shelling, by mobile units based less than 21 kilometres away, appeared to deliberately aimed at the city's heavily populated market places in an attempt to force civilians to flee.

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<sup>4</sup> The estimated total number of internally displaced people in Angola stood at 1.4 million on 1 January 1998.

The killing and wounding of unarmed civilians through indiscriminate shelling is a breach of Article 3 of the Geneva Conventions.

Several members of the Catholic church were victims of human rights abuse. In December 1998 two priests and six nuns were reportedly abducted after UNITA took control of Chinguar, Bié province. On 4 January 1998, a 49-year-old priest, Albino Saluhaco, and two catequists were reportedly killed in Katchiungo, Huambo Province. According to survivors, an armed group burst into the mission and abducted Albino Saluhaco and two catechists, Agostinho Salambila and Sebastião Kalondongo. They allegedly took the three men a short distance, made them sit down on the road, shot them and mutilated the bodies. The attack occurred on the day that the government took control of Katchiungo. The identity of the attackers and their motive was unclear.

Following the shooting down of the two UN planes near Huambo on 26 December and 2 January 1999, with the loss of a total of 23 lives, the UN withdrew its staff from areas of conflict. The future of MONUA in Angola became increasingly uncertain.

### **Amnesty International's recommendations**

#### *Recommendations to the government*

President José Eduardo dos Santos, in his address on the occasion of the appointment of new Supreme Court judges in May 1998, remarked that respect for the rule of law had been eroded during years of conflict. He expressed the government's support for a modern and efficient judicial system which would have the confidence of society and which would be a true pillar of a state of law. He said there should not be "islands" where attacks on the rights of citizens went unpunished. In late January 1998, President dos Santos declared a "state of exception". He indicated that he had avoided declaring a "state of emergency" as this could threaten fundamental civil rights.

Angola is a party to the principal international human rights treaties including the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Geneva Conventions. Amnesty International is appealing to the Angolan authorities to give priority to ending human rights violations by its officials.

In strengthening the criminal justice system the government should, in particular, ensure that the police are, in the words of the UN Code of Conduct for Law Enforcement Officials, "representative of and responsive and accountable to the community as a

whole” and that they fully “respect and protect human dignity and maintain and uphold the human rights of all persons”.

The resumption of conflict is no reason to delay the urgent reforms needed to stem the human rights violations which are facilitated by the weaknesses in the judicial system and the failure of political will to end abuses. Indeed, the establishment of a more just society would contribute greatly to the search for peace and reconciliation. Many parts of the country are not directly affected by the conflict and the work should be continued in these areas.

The government also has a duty to ensure that soldiers and police who are fighting with them abide scrupulously by common Article 3 of the Geneva Conventions and other applicable international human rights laws. It is pertinent to note that in previous periods of fighting both police and soldiers were responsible for war crimes and other acts which are forbidden by international standards in all circumstances. Between October 1992 and February 1993 alone, hundreds of UNITA suspects were rounded up and extrajudicially executed. During the ensuing war, other gross crimes such as packing people into containers and allowing them to suffocate, were reported. Amnesty International calls on the government to ensure that all forces involved in the fighting are made to obey the rules of war and treat all those not taking part in the conflict, including soldiers who have laid down their arms, humanely and without discrimination.

#### *Recommendations for the continuation of a UN human rights presence in Angola*

The UN human rights presence in Angola has made an important contribution both to the protection and promotion of human rights in Angola. Its work has included gathering information about human rights, helping to develop the capacity of local non-governmental organizations to work for the promotion and protection of human rights and providing assistance in strengthening justice systems in cooperation with the Angolan Government. It should continue this work in areas not directly affected by the conflict.

The UN Security Council, in its 21 January presidential statement, called for a multidisciplinary UN presence under a Special Representative of the Secretary-General which would be able to continue political negotiations. However, the response of the Angolan Government indicated that it is seeking to reject this proposal, which would endanger the continuation of the UN human rights presence. The Government of Angola has committed itself to upholding human rights and should therefore welcome the opportunity to continue to cooperate with UN human rights officers.

The international community should press for a continuing UN human rights presence in Angola and for it to be given the necessary political and financial support for its effective functioning. The parties to the conflict should be urged to provide access to their areas of control and the necessary guarantees to ensure the security and freedom of UN personnel.

*Recommendations to the international community, including the OAU and the UN*

The search for peace in Angola will be in vain unless it is accompanied by increasing protection for human rights. Amnesty International urges all those seeking an end to the conflict in Angola -- including the UN, the OAU and the Southern African Development Community (SADC) -- to put human rights at the top of the agenda in all their peace building efforts.

The OAU should ensure that reports of the OAU Secretary-General on the conflict in Angola to the Council of Ministers include an assessment of the human rights situation and recommendations to the Angolan Government and the armed groups concerning steps to be taken to stop human rights abuses.

The UN, the OAU, SADC and the Community of Portuguese-speaking Countries (known by its Portuguese acronym as CPLP) and the governments of countries which have aid or trade links with Angola should urge the government to take steps to protect civilians in areas of conflict and to uphold human rights.

Any government or entity which has links with UNITA should use its influence to persuade UNITA to respect the laws of war.

*The responsibilities of UNITA and FLEC factions*

Amnesty International continues to call on UNITA and FLEC factions to respect fully common Article 3 of the Geneva Conventions and to protect the lives and physical integrity of unarmed civilians and of combatants who have laid down their arms.

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