

ANGOLA

Reconciliation and human rights

Amnesty International's appeal to the new government

Angola's new Government of National Unity and Reconciliation was sworn in on 11 April 1997. Reconciliation cannot be achieved without regard to human rights and Amnesty International is appealing to the new government to develop a comprehensive program to protect human rights and to start by increasing protection for the right to life.

The new government, which includes members of the former armed opposition *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, and other parties, was set up in accordance with the November 1994 Lusaka Protocol. This protocol, negotiated in the Zambian capital, ended two years of bitter conflict between the government and UNITA, in which both sides carried out killings of unarmed civilians. Both carried out deliberate and arbitrary killings of civilians during the brief peace between the May 1991 peace agreement, concluded in Bicesse, Portugal, and the renewal of hostilities in late 1992. Both have murdered political dissidents. These wars and repeated human rights abuses have inflamed hatred and mistrust. The new government, to live up to its name, must devise a strategy for building confidence and tolerance. It should start by introducing safeguards to ensure that the deliberate and arbitrary killings of the past, some of which are briefly described below, do not recur. It should also set in motion a process to confront and deal with the killings of the past. The truth must be exposed and measures taken with regard to those responsible.

The 20th anniversary of a failed coup attempt in the capital, Luanda, falls on 27 May 1997. In the aftermath of the incident thousands of people all over the country were arrested. Many were tortured. Many hundreds "disappeared" in custody over the following 10 months. Most of them were killed without any semblance of a trial, others were executed on the orders of a specially appointed military tribunal which met in secret and offered no guarantees of fair trial. There was no right of appeal. None of those responsible for the killings in 1977 and 1978 have ever been brought to justice.

The relatives of victims had nowhere to turn to seek redress. Few have ever received official acknowledgement of the deaths in custody. The wife of one prisoner, Rui Coelho, learned in November 1977 that her husband had been killed when she went to the prison to take medicine for his asthma. A security officer asked, "since when do the dead need medicine?" Rui Coelho, head of the prime minister's office, had been in Algeria on 27 May. He returned to Angola on 3 June 1977 and was arrested two days later.

UNITA has also deliberately and arbitrarily killed dissidents within its ranks. In 1982 and 1983 at least 15 people, including young children, were publicly burned to death for alleged witchcraft. In 1991 prominent UNITA members Pedro "Tito" Chingunji and Fernando Wilson dos Santos and members of their families including children were executed in the area of Jamba, UNITA's former headquarters in southeastern Angola. The men had represented UNITA in the USA and Portugal respectively. They were tried in February 1989 on charges of plotting against UNITA and had been in custody or under restriction since then. In March 1992 UNITA set up an inquiry which blamed the killings on two officials who had defected earlier in the year. Amnesty International considers the inquiry a sham - the commission of inquiry's own report showed that it failed to meet basic standards of independence and impartiality.

At the end of October 1992, after UNITA rejected the results of the September 1992 elections and withdrew its soldiers from the joint army, government forces and civilians armed for the purpose launched a "*caça ao homem*" (man hunt) for UNITA members and supporters. Between late October 1992 and January 1993 hundreds of people were hunted down and deliberately and arbitrarily killed. Agostinho Nvula, the Secretary of the UNITA Committee in the Luanda suburb of Samba, was arrested by police during the night of 31 October 1992. He was brutally beaten but managed to escape. He hid in the house of a relative but was discovered and gunned down. In Lubango, in southern Angola, on Sunday 3 January 1993, government soldiers, police and armed civilians, in the words of a witness, "... systematically and unilaterally opened fire on all UNITA positions, homes and sympathisers. We witnessed the ... murders of many innocent churchgoers, old folks, youngsters and babes in arms. It was enough to be of the UNITA's Ovimbundu tribal group to justify your death." On the same day armed government police entered the quarters of the United Nations Angola Verification Mission (UNAVEM II¹) in Lubango where three UNITA members of one of the commissions set up to monitor implementation of the Bicesse peace accord had sought refuge. They captured them, killed one on the spot and dragged the two others away. The unarmed UN officials could do nothing. The two UNITA representatives remain "disappeared."

In the areas it captured during the conflict UNITA systematically killed government officials and sympathisers. In April 1993, several hundred people were reportedly killed in the Gombe area, about 200 kilometres northeast of Luanda. Witnesses reported that UNITA soldiers rounded up villagers and shot them one by one. They hunted down those who fled into the bush. *Some, including women and*

¹ UNAVEM II monitored the May 1991 peace agreement and UNAVEM III supervised the Lusaka Protocol of November 1994.

children, were shot, others were killed with machetes. A witness said, "old people who could not flee were shut up in the houses which were then set on fire."

On 12 July 1996, a landmine clearing team working near Soyo in the northwestern province of Zaire discovered a burial ground containing the remains of at least 60 human skeletons, apparently victims of deliberate and arbitrary killings. They dug up skulls with holes suggesting shots to the head and articles of women's clothing and military or police uniforms. Local residents said that the victims were probably among those abducted by UNITA during its occupations of Soyo from January to March 1993 and again from mid-1993 until November 1994. However, there has been no forensic or judicial inquiry into the circumstances in which the killings were carried out and to identify the victims and perpetrators. Amnesty International had received several reports of people being killed by UNITA in Soyo in 1993. It also received reports of UNITA supporters being killed by government security personnel after the government regained control of the area.

Killings have occurred since the Lusaka Protocol was signed in November 1994. However, those responsible have not been brought to justice. These killings included several murders which appear to have been politically-motivated and which appear not to have been thoroughly investigated by police. There are reports in some cases that police have failed to question witnesses or to carry out forensic investigations. António Casimiro, a journalist working for the state-owned television station, was shot dead by men in police uniforms who broke into his house in Cabinda city in the early hours of 30 October 1996. Witnesses reported that he had previously received a death threat when he arrived late for an assignment and a government official threatened him and pointed a gun at him. António Casimiro is also reported to have criticized government policy in Cabinda, an Angolan enclave separated from the rest of Angola by a strip of Democratic Republic of Congo territory. The reason for his killing remains unclear. It is also unclear whether any serious investigation has been carried out into his death.

In the early 1980s Amnesty International submitted the cases of four people who had "disappeared" in custody after the failed coup attempt in May 1977 to the UN Working Group on Enforced or Involuntary Disappearances. The four remain "disappeared" and it is likely that they were killed in custody. In November 1995 the government reported to the Working Group that it was unable to investigate the cases as the criminal archives had been destroyed during the war. In March 1997 the Head of the Angolan Delegation to the UN in Geneva told the UN Commission on Human Rights that no complaint about the "disappearances" had been registered with competent Angolan authorities and that, by taking up the cases, the Working Group had exceeded its

mandate. The Working Group's requirement as regards the action taken by relatives or others to locate the missing person is information about their "inquiries with the authorities, *habeas corpus* petitions, etc."² The relatives or friends of people arrested following the failed coup attempt often did make inquiries but these were seldom heeded. The officials whose duty it was to prevent human rights violations were either powerless to act or they were themselves involved in the arrests, torture and killings.

Angola does have the legal means to redress human rights violations (though relevant laws need to be brought into full conformity with international standards). Despite this, in practice very few torturers have ever been brought to justice. Amnesty International believes that there has been a lack of political will on the part of the government to ensure adequate scrutiny and control of the behaviour of police and security officials. The absence of such mechanisms and the fact that those who violate human rights have not been brought to justice encourages repeated violations of human rights. Since the Lusaka Protocol was signed in November 1994 there have been scores of reports of killings by both government and UNITA forces. Some have been investigated but the perpetrators have not been brought to justice. There has been little progress into cases raised by the UNAVEM III Human Rights Unit. Amnesty International has also made inquiries into several reports of politically-motivated killings but received no response from the authorities.

If the authorities allow extrajudicial executions and other deliberate and arbitrary killings to continue with impunity they will jeopardise the peace process in Angola. A way must also be found to confront and deal with the killings which took place in the past. Reconciliation will not be achieved unless the truth is exposed and measures taken with regard to those responsible.

² United Nations: Explanatory note for the submission of information on enforced or involuntary disappearance of persons (CHR/WGEID/1987).

Amnesty International urges the new government to include the following recommendations in a comprehensive strategy to build confidence and tolerance and to ensure adequate protection for human rights³. If implemented these recommendations would increase protection for the right to life.

1. Introduce a culture of accountability.

- The authorities should make it clear to all police and security personnel that extrajudicial executions will not be tolerated.
- Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions.
- “Death squads”, private armies, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence should be prohibited and disbanded.
- All reports of extrajudicial executions should be investigated in accordance with the UN Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions.

³ For further Amnesty International recommendations for human rights protection in Angola see *Angola: From War to what? No reconciliation without accountability* (AI Index: AFR 12/06/96) of October 1996, available in English and Portuguese.

- Those suspected of being responsible for human rights violations must be brought to justice⁴.

2. Ensure that people are informed about their rights and how to complain if these are violated. The media and non-governmental organizations have a key role to play in promoting awareness of human rights. The government should provide all necessary cooperation.

3. There is a need for an independent and impartial human rights commission which could take over the protective functions of the UNAVEM III Human Rights Unit on conclusion of the peace process by July 1997. This body should consist of people of recognized impartiality, independence and competence. It should have the duty and full powers to investigate all issues relating to the implementation of fundamental rights and freedoms as defined in Angola's Constitution and the international human rights treaties to which Angola is a party and to ensure that appropriate remedial action is taken.

4. If there is to be peace and reconciliation in Angola the heavy legacy of human rights abuses will have to be confronted and dealt with. The truth must be exposed and measures taken with regard to those responsible. One way to begin would be to hold a national consultative conference involving people from all sectors of Angolan society to discuss and decide what must be done. Foreign experts who have been involved in dealing with their own countries' human rights records in times of change should be invited to share their experiences. The deliberations and recommendations of the conference should be published and circulated widely in Angola. The timing and preparation of such a conference would have to be chosen carefully as many people would be prevented from participating for fear of reprisals.

⁴Amnesty International has urged foreign governments to provide assistance to the Angolan government so that it can build an effective criminal justice system capable of ensuring that human rights are upheld.