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Angola: Detainees in Lunda Norte at risk owing to illness and appalling prison conditions

Thirty seven members of the Commission of the Legal Sociological Manifesto of the Lunda Tchokwe Protectorate (*Comissão do Manifesto Jurídico Sociológico do Protectorado da Lunda Tchokwe* – CMJSP-Lunda), are facing serious health risks and even death, owing to the appalling prison conditions in which they are held in the Conduege prison in Dundo, the capital of the diamond-rich Lunda Norte province. The majority have been held there pending trial for 16 months; most if not all, are ill, some seriously.

Amnesty International fears for the health and safety of the detainees and is calling on the Angolan authorities to release them pending trial; to provide them with appropriate medical treatment and to improve the prison conditions.

Most of the detainees at Conduege prison are very weak after more than a year in detention in overcrowded conditions and chronic illnesses for which they have not received adequate medical treatment. Their condition has been aggravated by the lack of sanitation and clean water; as well as insufficient and poor quality food being provided. Food and drinkable water is sent from the capital, Luanda, and often run out before new provisions arrive. Only a few of the detainees can rely on their families for the provision food and medicines. The families of the majority live hundreds of kilometres away in areas with poor or non existing transport communications. Many detainees have not seen their families since they were taken to Conduege prison in April 2009.

As a result, most detainees have been ill at regular intervals with different ailments at different times. Most of them have been suffering from severe vomiting and diarrhoea and blood loss in the urine and faeces, as well as malaria and pneumonia, for which they are not receiving medical treatment. Some have hernias and some also have distended abdomens. Apparently, only two cases have received medical treatment, albeit inadequate.

The near starvation, lack of medical treatment and the appalling conditions endured by these detainees represent a failure by the Angolan authorities to fulfil their most basic responsibilities under international law. Unless immediate action is taken, many of those detained at Conduege prison could lose their lives.

Amnesty International is particularly concerned about the health of Muatxina Chamumbala, who has been ill for some seven months and had a distended abdomen. In early July 2010 he was taken to the Lunda Norte Provincial Hospital in Dundo where he had fluid drained from the abdomen. After three days he was returned to Conduege prison where he remains, reportedly very ill and not receiving medical treatment.

Amnesty International is calling on the authorities to release these detainees immediately on medical grounds, to provide them with adequate medical care and to improve conditions of detention at Conduege.

Most of the detainees were arrested between 1 and 30 April 2009 in several locations in the north-eastern provinces of Lunda Norte and Lunda Sul. Four, Modesto Timóteo, Calisto

Muatunda, Bento Magimo and Zeferino Rui Muagingo, were arrested on 1 April at the police station in Cuango as they went to deliver a copy of the CMJSP-Lunda's) manifesto. The police accused them of distributing pamphlets aimed at destabilizing the national and territorial order of Angola, and reportedly beat them to obtain information about other members of the CMJS. Some 270 people were subsequently arrested throughout Lunda Norte and Lunda Sul provinces and briefly detained. Most were released uncharged after a few days but 34 remained in detention. Three others were arrested on 12 February 2010.

In addition, the leader of the CMJS, Filipe Malakito, was arrested in Luanda, the Angolan capital, on 14 May 2009. He was first held Air force base in Luanda. Three and a half months later he was transferred to the hospital prison of São Paulo where he remained for eight months receiving treatment for his swollen legs. He is currently being held at Viana prison in Luanda. Two other members of the CMJS who were arrested in January 2010 are also being held there.

Another detainee, Alberto Cabaza, is reportedly ill, suffering from swollen feet and scabies for which he is not known to be receiving medical treatment.

All the detainees have been charged with crimes against the security of the State, under Article 26 of law 7/78, the Law of Crimes Against the Security of the State, of 26 May 1978, amended in 1992. Article 26 states "all and every act, not foreseen in the law that puts at risk or could put at risk the security of the state will be punishable..."

Amnesty International has repeatedly called for this provision to be repealed immediately as it violates the principle of legality in criminal law. It is vague and does not enable individuals to foresee whether a particular action is unlawful. It basically means that any act which the authorities say is a crime will be a crime even if this was not stated in law at the time the act was committed. Furthermore, it violates international human rights law and standards.

Their trial, scheduled for 12 November 2009, was suspended indefinitely on the day it started due to a procedural irregularity. The Lunda Norte Provincial Court decided it had not jurisdiction to try the matter and remitted the case to the Supreme Court, in Luanda. No new date for the trial has been set. However, Zeferino Rui Muagingo was tried in May 2010 and sentenced to four years' imprisonment.

Amnesty International is concerned that they may be prisoners of conscience arrested and detained for calling for autonomy for the Lunda-Tchokwe region. As far as the organization is aware, they have not used or advocated violence.

Background:

The CMJS is a political group set up in 2007 that seeks the administrative and financial autonomy of the former Tchokwe Kingdom, which comprises the present day provinces of Lunda Norte, Lunda Sul, Moxico and Kuando Kubango. In 2007 they sent their manifesto to the Angola President José Eduardo dos Santos with a view to having discussions about the autonomy of the region, but received no response. The authorities have accused the CMJS of having a military wing but have presented no evidence to that effect. Furthermore, no military activity had been reported in the Lunda provinces since the end, in 2002, of the civil war between Angolan government forces and those of UNITA- The National Union for the Total Independence of Angola.