

29/9-04



Unfinished Democracy: Media and Political Freedoms in Angola

A Human Rights Watch Report, July 14, 2004

I. SUMMARY.....	2
II. RECOMMENDATIONS	4
To The Government of Angola	4
To Angolan Journalists' Associations:.....	6
To Foreign Governments and Intergovernmental Organizations:.....	6
III. BACKGROUND	6
Times of War.....	7
The Situation Today	8
IV. INTERNATIONAL AND ANGOLAN LAW ON FREEDOM OF EXPRESSION AND ASSOCIATION	12
International Legal Standards on Freedom of Expression and Assembly	12
Angolan Legislation	14
Need for Reform of Angolan Laws.....	15
V. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION.....	18
Arbitrary Imprisonment, Violence, and Threats against Journalists	18
Misuse of Defamation Laws	20
Restrictions on Private Radio.....	22
Access to Official Information and State Owned Media	23
Obstacles to Distribution of Private Newspapers.....	24
Artistic Expression	25
VI. VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSOCIATION.....	26
Threats and Attacks against Activists	26
Registration Requirements as a Means of Limiting Freedom of Association... 30	
VII. VIOLATIONS OF THE RIGHT TO PEACEFUL ASSEMBLY	31
VIII. CONCLUSION.....	34
VI. ACKNOWLEDGMENTS	35

I. SUMMARY

Freedom of expression, assembly, demonstration, association, and all other forms of expression shall be guaranteed.¹

Article 32 (1) Angolan Constitution (Law No. 23/92, September 16, 1991).

Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 19 of International Covenant on Civil and Political Rights, ratified by Angola on January 10, 1992.

The more scandalous occurrences – the imprisonments, the deaths such as the death of Ricardo Mello – are no more. But the climate of intimidation continues.

Angolan Journalist to Human Rights Watch, Luanda, May 2004.

Peace means more than a mere silencing of guns.

Rev Daniel Ntoni-Nzinga, Executive Secretary of the Inter-Ecclesiastic Committee for Peace in Angola, 2002.

Two years after the April 4, 2002, ceasefire agreement between the Angolan government and the opposition National Union for the Total Independence of Angola (*União Nacional para a Independência Total de Angola*, UNITA), Angola is in transition. Although no date has been set for the first national elections since 1992, these are widely expected to be held no later than 2006.² A government dominated by the People's Movement for the Liberation of Angola (*Movimento Popular de Libertação de Angola*, MPLA) – the ruling party since 1975 – will guide the process of holding these elections, and the installation of a new government.

¹ "São garantidas as liberdades de expressão, de reunião, de manifestação, de associação e de todas as demais formas de expressão." Article 32 (1) Angolan constitution (Law No. 23/92 - September 16, 1992).

² Lusa news agency, Luanda, July 2 2004: The Angolan president was advised by the Council of the Republic to exercise his "judicial influence" on parliament to approve the constitutional framework for convening and setting elections for September 2006.

"In a communiqué read by the spokesperson of the head of state's consulting body, Augusto Carneiro, at the end of the meeting held in Luanda today, recommended that "the elections should be preceded by a legal and well-defined framework and the creation of technical, material, and financial conditions, as assurance of a fair and transparent electoral process."

The last years of the civil war were marked by severe restrictions on the freedoms of expression, association, and assembly in Angola, reversing the partial liberalization that occurred in the run-up to the 1992 election. The private media³ and the civic and political groups that had burgeoned with the adoption of a multiparty constitution in 1992 were confronted by serious and often violent denial of those freedoms as the government put the state on a war footing. Journalists were frequently detained without trial, and only pro-government groups were permitted to demonstrate. Similarly, UNITA, in the areas under its military control, monopolized the media and allowed no dissent.⁴

The end of the conflict has encouraged Angolans to start exercising again their right to debate the future of their country. In 2003 alone, four new weekly newspapers were established and the detention of journalists became less common. In the capital, Luanda, opposition parties have in the past year been able to hold demonstrations without government reprisals.

Yet, even as peace creates new opportunities for the enjoyment of rights, there remains a substantial gap between the freedoms promised by Angola's constitution, by its laws, and by the international treaties Angola has ratified, and the realization of those freedoms by Angolans. The gap is perpetuated by the continued denial of those freedoms by the Angolan government and its agents.

The occurrence of positive changes has been confined mainly to Luanda and other coastal regions. Even in Luanda, however, a journalist was detained without trial for a month in February 2003 while working on a story that was potentially embarrassing to government officials.

In the interior of the country, the situation remains troubling from a human rights perspective: opposition activists continue to be the target of violence by the police, the army, the Civil Defense Organization (ODC), and supporters of the government. Private media are almost unknown. The judicial system does not have the independence to enforce the legislation that should in practice guarantee basic freedoms. The police force has not yet begun to fulfill its mandate as a politically neutral keeper of law and order.

Excessive administrative and bureaucratic burdens such as the imposition and arbitrary enforcement of onerous registration requirements undermine the work of

³ For the purposes of this report, "private media" refers to all media not owned by the state; at present, this means the private weekly papers, the commercial radio stations, and the Catholic church station, Rádio Ecclesia.

⁴ For a more detailed analysis of this period, see Human Rights Watch, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process* (New York: Human Rights Watch, 1999).

civil society associations. Journalists have also been denied access to official information, including data on public expenditure and other public policies.

Even if press and association freedoms were fully respected, a great number of Angolans would still have difficulty accessing information and the political process. Popular participation in Angolan democracy is itself problematic; more than 30 percent of the Angolan population is unable to read a letter or a newspaper. Women who are fifteen years old or older are two and a half times more likely to be illiterate than men in the same age range. According to a 2003 study by the United Nations Children's Fund (UNICEF), 38 percent of households in Angola own radios; only 14 percent own televisions.

For this report, Human Rights Watch interviewed some thirty journalists, rights defenders, activists and educators in August 2003. A further research visit in April and May 2004, including the provinces of Huambo and Moxico, as well as Luanda, allowed the opportunity for more interviews with journalists, clergy, political party representatives, and members of civil society. Human Rights Watch also spoke to presidential advisor Carlos Feijó.

II. RECOMMENDATIONS

To The Government of Angola

The Angolan constitution includes explicit guarantees of freedom of expression, association, and assembly. The Angolan government, consistent with its stated intentions, should:

- Respect and fully enforce provisions in the Angolan constitution on freedoms of expression, association, and assembly.
- Allow journalists to carry out their legitimate work, including reporting on government policies and activities, without harassment.
- Allow journalists access to government information and facilities. Administrative measures should be put in place to enhance the transparency of public administration and minimize official secrecy.
- Uphold the right of all individuals to freedom of association, in compliance with Angolan law and international standards, including the right to form and join public associations and political parties. Ensure that the legally prescribed process of registration for such groups is applied expeditiously, consistently and fairly.

- Allow leaders and supporters of opposition parties to express their views, including views that are critical of government policies. Issue clear instructions to all members of the security and intelligence services that no person should be arrested or detained purely on the basis of their political views.
- End onerous restrictions on public meetings and peaceful demonstrations and permit, in a consistent and transparent manner, such activities to be carried out by political parties, public associations, and others, in accordance with Angolan law and international human rights standards. Issue clear instructions to the police that they should not use force or violence to respond to peaceful protests.
- Investigate and prosecute alleged abuses of civil and political rights, including threats against journalists and political activists, by state agents; provide training to personnel in the police and judicial system to enable them to perform their duties effectively and fairly.
- Repeal the criminal defamation laws, including those criminalizing criticism of government or other public authorities, in particular Articles 44, 45, and 46 of the Angolan Press Law (Lei de Imprensa, No. 22/91). The government should not misapply the civil defamation laws to restrict legitimate journalistic work, political criticism, and debate.
- Repeal other laws restricting freedom of expression, assembly, and association, including Articles 47, 48, 49, and 50 of the Angolan Press Law (Lei de Imprensa, No. 22/91) and Articles 4, 5, 6, 7, and 8 of the Angolan Law on the Right of Assembly and Demonstration (Lei sobre o Direito de Reunião e de Manifestação No. 16/91).
- Apply the Johannesburg Principles on National Security and Freedom of Expression, which seek to ensure that national security restrictions protect the interests of the nation rather than the interests of the government.
- Establish a fair and open process for the allocation of radio and television broadcasting frequencies and the granting of licenses to broadcast to provide equal opportunity of access.
- Extend an invitation to the African Commission on Human and Peoples' Rights to visit Angola to examine freedoms of expression, association, and assembly and assist the Commission to discharge its mandate during such visit.

- Invite the U.N. Special Rapporteur on Freedom of Expression to visit the country and prepare a report on freedom of expression in advance of national elections.

To Angolan Journalists' Associations:

- Promote the adoption of, and compliance with, a journalists' code of ethics and, in particular, the voluntary publication of apologies and corrections for inaccurate or unfair statements.

To Foreign Governments and Intergovernmental Organizations:

- In the run-up to the elections, monitor closely violations of freedoms of expression, association, and assembly in the context of bilateral and multilateral relations with the government of Angola and make the protection and promotion of such freedoms an integral part of assistance strategies. Support free and private media to enhance accountability and transparency in public administration and democratic development generally.
- Continue to support programs that will train journalists, and that will raise public awareness about freedom of expression, association, and assembly through training, education, and promotional activities.
- Support programs that raise awareness of, and reinforce a commitment, to civil and political rights in the National Police, the Angolan Armed Forces, the Civil Defense Organization, the media, and Angolan civil society.

III. BACKGROUND

Over the course of nearly three decades, Angolans suffered through one of the most brutal and protracted internal armed conflicts in recent history. The conflict claimed approximately 1 million lives. Some 4.1 million people were displaced during the latter phase of the conflict, with 400,000 of these fleeing to neighboring Zambia, Congo Brazzaville, Democratic Republic of Congo, and Namibia.

On April 4, 2002, following the death of UNITA rebel leader Jonas Savimbi, the Angolan Army (*Forças Armadas Angolanas*, FAA) signed a Memorandum of Understanding (MOU) with UNITA, which brought an end to the fighting. The document, also referred to as the Luena Accords, reiterated the main elements of

the Lusaka Protocol, which had been signed in 1994. The Luena Accords provided for the implementation of a ceasefire through the demobilization of UNITA's military forces. UNITA officers were to be integrated into the new, unified government army and national police.⁵

Times of War

During the civil war, both the government and UNITA committed widespread abuses against the civilian population. Violations included direct attacks on the civilian population, extra-judicial executions, rape and other sexual assault, torture and mutilations, forced conscription of child soldiers, indiscriminate shelling of civilian areas, abduction of women and girls, and looting.⁶ Intellectuals were persecuted and killed, as were journalists and rights activists.

There was no private press in Angola prior to 1991. The only alternative to state media was *Imparcial Fax*, a private newspaper that circulated via fax. Publication of *Imparcial Fax* ended in January 1995 when an unidentified assailant murdered Ricardo Mello, its manager and chief editor, in Luanda.⁷

Throughout the 1990s, journalists operating in government areas were murdered, assaulted, and received threats to their physical safety.⁸ They also faced enormous obstacles in gathering information. Not only was their access to official information denied, a practice that still prevails, but witnesses and other primary sources were also reluctant to go "on record" due to fear of reprisals. This situation limited journalists' access to the range of information necessary to produce quality work.

Government censorship and intrusion in the media were flagrant. For example, publications that quoted UNITA leader Jonas Savimbi were prohibited.⁹ It was common to find application forms for membership of the MPLA in newsrooms, a hint not lost on journalists and media professionals. Often, journalists who did not

⁵ See, Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues Under the Lusaka Protocol, Luena, April 4, 2002. For a comprehensive analysis of the Lusaka Peace Process see Human Rights Watch, *Angola Unravels*.

⁶ See, Human Rights Watch, *Angola Unravels* and Human Rights Watch World Report 2002, <http://www.hrw.org/wr2k2/africa1.html/>.

⁷ As of September 2003, Human Rights Watch is unaware of any investigation carried by authorities regarding this crime. Human Rights Watch believes that the failure to investigate and bring to justice the perpetrators of such crimes against journalists undermines recent government commitments to respect democratic principles and the rule of law.

⁸ See Amnesty International, *Angola: Freedom of Expression on Trial*, December, 2000. Available at <http://web.amnesty.org/library/print/ENGAFR120082000>. See also, Amnesty International, *Angola: Freedom of Expression Under Threat*, November 1999.

⁹ Human Rights Watch interview with Ismael Mateus, General Secretary of the Union of Angolan Journalists (Sindicato dos Jornalistas Angolanos – SJA), Luanda, August 7, 2003. Human Rights Watch interview with Américo Gonçalves, editor of *O Angolense*, Luanda, August 7, 2003. See also, Ismael Mateus, in interview with *Agora*, July 5, 2003.

fill out such forms were denied access to official sources and encountered difficulties in publishing their stories. The Angolan Journalists' Union has also alleged that government agents infiltrated the newsrooms to monitor journalists' activities and political tendencies.¹⁰

In the last years of the conflict, many journalists were summoned for questioning by Angolan police concerning their newspaper articles or radio broadcasts. A number of journalists were threatened with physical harm. Some were assaulted and others were accused of libel or defamation of government officials.¹¹

UNITA was also heavy-handed with journalists. Until it was shut down by the Angolan government on April 1, 1998, journalists who worked for the Voice of the Resistance of the Black Cockerel (VORGAN), UNITA's radio station, were threatened with physical aggression and imprisonment if suspected of passing information to government forces.¹² VORGAN, a symbol of UNITA, had programs designed to broadcast propaganda against the MPLA government but sometimes targeted the peace agreement and U.N. representatives working in Angola.¹³

The Situation Today

The government continues to dominate both print and broadcast media. An analysis of data provided by the National Treasury Directorate shows that in fiscal year 2002, subsidies for state media accounted for 88.9 percent of all operational subsidies for state-owned business.

¹⁰ Human Rights Watch interview with Ismael Mateus, General Secretary of the Angolan Journalists' Union (Sindicato dos Jornalistas Angolanos, SJA). Luanda, August 5, 2003.

¹¹ In 1999, Amnesty International documented that at least thirty journalists had been summoned for questioning by police concerning their newspaper articles or radio broadcasts. See Amnesty International, *Angola: Freedom of Expression on Trial*; December, 2000. Available at <http://web.amnesty.org/library/print/ENGAFR1120082000>. See also, Amnesty International, *Angola: Freedom of expression under threat*; November 1999.

¹² See Amnesty International, *Angola: Freedom of Expression on Trial*; December, 2000. Available at <http://web.amnesty.org/library/print/ENGAFR1120082000>. See also, Amnesty International, *Angola: Freedom of Expression Under Threat*; November 1999.

¹³ See also, Human Rights Watch World Report 1998, available at: <http://www.hrw.org/worldreport/Africa-01.htm>.

Company	Sector	Subsidy paid in Kwanzas by the government	US \$ equivalent ¹⁴	% share of total govt spending on subsidies
Press Center	Media	24,579,693	423,787.81	1.0
Angop (press agency)	Media	292,537,109	504,3743.26	12.2
TPA (television)	Media	686,760,598	11,840,699.97	28.6
Gráfica Popular (magazine)	Media	75,331,296	1,298,815.45	3.1
RNA (radio)	Media	818,750,062	14,116,380.38	34.1
Jornal de Angola	Media	312,409,972	5,386,378.83	13.0
Correios (post office)	Communication	73,108,851	1,260,497.43	3.0
Ferrangol	Industry	2,980,210	51,382.93	0.1
Caminhos de Ferro de Benguela (railways)	Transport	71,180,689	1,227,253.26	3.1
Caminhos de Ferro de Luanda (railways)	Transport	43,124,589	743,527.40	1.8
Total		2,405,248,825	41,469,807.33	

Source: National Treasury Directorate, Luanda, 2003

Angola's public television station (Televisão Pública de Angola, TPA) and its National Radio of Angola (Rádio Nacional de Angola, RNA) rule the national airwaves. TPA operates two television channels and RNA operates five radio stations in Luanda.¹⁵ RNA is also the only broadcaster to offer programs in indigenous African languages. The Angolan capital also has four private radio stations operating under government license: LAC (Luanda Antena Comercial, since 1992); Rádio Ecclésia, a Catholic-owned radio station; Radio Escola, designed to train new professionals; and, since March 2003, Radio CEFOJOR, a commercial radio station also designed to train young radio journalists.¹⁶ President José Eduardo dos Santos has mentioned the possibility of allowing private television stations to operate.¹⁷ However, most Luanda journalists outside of the state media take the view that in the absence of a transparent process for the issuing of a license, such a station would simply be a business opportunity for an ally of the president.¹⁸

¹⁴ Using interbank rate as of December 2002: US\$1=Kz58.

¹⁵ Canal A, Radio 5, Radio N'gola Yetu, Radio FM Stereo and Radio Luanda.

¹⁶ Two other private radio stations have operated in the capital intermittently: Radio Morena and Radio Benguela.

¹⁷ Público newspaper (Lisbon) 7 December 2003.

¹⁸ Human Rights Watch interviews, Luanda, April-May 2004.

The only daily newspaper is the Portuguese-language, state-owned *Jornal de Angola*, which published its first edition on July 29, 1975. The private press, often viewed as the only section of the media to reflect a range of political views, is growing slowly. As of 2004, there were seven private newspapers in Angola: *Folha 8*, established in 1994; *Agora*, established in 1996; *O Angolense*, established in 1997; and *Semanário Angolense*, *Actual*, *A Capital*, and *A Palavra*, all established in 2003. These run weekly. Often, technical and financial constraints, rather than political obstacles, hinder these newspapers' efforts to reach their readers. Newspaper distribution is limited almost exclusively to Luanda and the papers cost on average 120 Kwanzas (approximately \$1.50 (U.S.)) each. Therefore, they reach just a few thousand Angolans.¹⁹

Several journalists from the private press reported that financial constraints are currently the greatest challenge facing the media in Angola. A dearth of quality printing facilities in Luanda means that all of the private papers except one are printed by the same printing house. This lack of competition as well as the cost of paper has led to the doubling of printing costs in the last year. USAID has donated paper to some of the private newspapers.

"The assistance from the U.S. helped a lot, but the paper is coming to an end. Some newspapers are at risk of shutting down," one journalist warned.²⁰

Private newspapers are difficult to obtain even in the larger provincial centers; one obstacle to distribution is the refusal by the state airline, TAAG, to transport these papers as cargo.

Although the private press is now generally free to scrutinize government policies, it can still be dangerous for journalists to investigate certain high-ranking government, MPLA, and UNITA officials. In some provinces, such as in Cabinda, journalists have reported that they still find MPLA membership application forms in media offices.²¹ Many of those interviewed by Human Rights Watch also described seeing MPLA party membership forms in secondary schools and universities.

¹⁹ Though Human Rights Watch is unaware of any definite statistics, each private paper claims to sell from 7,000 to 10,000 copies of each edition. Although the cover price is usually around 80 kwanzas, this price applies only to copies bought from the newspaper office; most copies are sold by street vendors at a mark-up price.

²⁰ Human Rights Watch interview, Luanda, April 2004.

²¹ Journalist Nelo da Costa, current correspondent of *Voz da América* told *Semanário Angolense* that he decided to leave the print media because those that are not members of the MPLA, cannot, for example, aspire to any high rank position in the newspaper (*cargo de chefia*) [*Jornal de Angola*]. "Jornais privados podem desafogar-se," *Semanário Angolense*, August 2, 2003.

There are some 126 political parties registered in Angola, though only a few are active in organizing public protests against the government, adopting public policies, and calling for new elections. Among them, the small opposition party, Party for the Democratic Support and Progress of Angola (Partido de Apóio Democrático e Progresso de Angola, PADEPA, also known as PADPA), which was created in June 1995, has suffered repressive reactions to its public protests.²² National legislation was recently changed and the state no longer subsidizes the creation of new parties; however, state funds are still available to parties with seats in the National Assembly.

Organized civil society, which has developed in Angola since 1991, operates mainly from Luanda. During the war, a number of prominent intellectuals, union leaders, non-governmental organizations, and several church-based groups worked to bring the fighting parties to negotiate to end the war and the associated widespread rights abuses. At present, with the end of hostilities in most of Angola,²³ hundreds of NGOs have formed. These NGOs and the broader civil society in which they exist face serious difficulties in restructuring their strategies and identifying short- and medium-term objectives. Nevertheless, a number of national organizations have developed skills and implemented projects to promote human rights and foster reconciliation. Collaborative efforts with international groups and other partnerships have been fundamental for this transition. Yet these efforts have been geographically concentrated and have suffered from limited operational capacity even in the capital.

There are other important restraints to popular participation in the decision-making process in Angola. More than 30 percent of the Angolan population is not able to read a letter or a newspaper. Forty-six percent of women fifteen years old or older do not know how to read and write, compared with 18 percent of men in that same age group. The urban population is 48 percent more likely to know how to read and write than the rural population.²⁴ While 38 percent own a radio, only 14 percent own a television.²⁵ Radio broadcasts (by RNA or foreign-based short-wave stations) are nevertheless followed enthusiastically throughout Angola. In Luanda, the phone-in programs that Rádio Ecclésia introduced in the late 1990s have opened a space for public debate, and their popularity has prompted RNA

²² Since 1999, PADEPA has organized four public demonstrations and protests in Luanda. All these have been strongly repressed by government authorities. On these occasions, PADEPA's leaders have been severely beaten and arrested for disrespecting authority (*desacato à lei*). See Section V on Violence against Associations and Protesters.

²³ While hostilities have ceased in most of the country, in the northern province of Cabinda, hostilities between government forces and separatist groups persist.

²⁴ UNICEF, Angola 2001 Multiple Indicator Cluster Survey (MICS), Presentation of Final Results, Angola, March 5, 2003. According to this study, the first nationwide survey conducted in Angola since 1996, the total literacy rate, the proportion of population aged 15 and older who are able to read a letter or newspaper in Angola is 67 percent.

²⁵ UNICEF, Angola 2001 Multiple Indicator Cluster Survey (MICS), Presentation of Final Results, Angola, March 5, 2003.

and the commercial stations to also include phone-ins in their programming. This underlines the importance of making independent radio transmission available throughout the country.

IV. INTERNATIONAL AND ANGOLAN LAW ON FREEDOM OF EXPRESSION AND ASSOCIATION

International Legal Standards on Freedom of Expression and Assembly

Angola is party to several international treaties that guarantee the right to freedom of expression and freedom of assembly, including the International Covenant on Civil and Political Rights (ICCPR).²⁶ Although not a treaty obligation immediately binding on states, parts of the Universal Declaration on Human Rights (UDHR), including Article 19 on the right to freedom of expression, are widely regarded as having acquired legal force as customary international law.²⁷ This is relevant since, as discussed later in this report, the Angolan constitution invokes the rights under the UDHR, as well as other international instruments to which Angola is a party as legitimate bases for adjudication by Angolan courts.

Angola is also party to the African Charter on Human and Peoples' Rights.²⁸ This binding treaty requires states party to ensure and respect the rights to receive information and express and disseminate opinions, the right to free association, the right not to be compelled to join an association, and the right to free assembly.

Under international law, freedom of expression may be subject to restrictions in certain circumstances, including during a declared state of emergency, according to principles also laid out in international law. In states of emergency, states can derogate from some obligations of the ICCPR, including Article 19. Apart from this, there are some restrictions or limitations authorized by Articles 19 (3),

²⁶ Angola ratified the International Covenant on Political and Civil Rights on January 10, 1992. The articles of the ICCPR relevant to freedom of expression, assembly, and association are:

Article 19 (1): Everyone shall have the right to hold opinions without interference; and 19 (2): Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22 (1): 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.

²⁷ Article 19 of the UDHR states: "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

²⁸ Angola ratified the African Charter on Human and People's Rights on March 2, 1990.

Article 21, and 22 (2) that apply normally.²⁹ However, these restrictions have been addressed by a number of international instruments, most notably by the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information (Johannesburg Principles) adopted on October 1, 1995. According to the Johannesburg Principles, these restrictions should meet strict tests of legitimacy such as those set by Principle 2:

- (a) A restriction sought to be justified on the ground of national security is not legitimate unless its genuine purpose and demonstrable effect is to protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force, whether from an external source such as a military threat, or an internal source such as incitement to violent overthrow of the government.
- (b) In particular, a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest.³⁰

International human rights law provides the media greater protection when it covers matters of public interest. It is well established that politicians and other public figures relinquish part of their rights to reputation and privacy, and must therefore tolerate, as a matter of law, wider and more intense scrutiny of their conduct. The European Court of Human Rights has held that the reputational rights of politicians and government officials are entitled to less protection vis-à-vis the media than those of private citizens. In the words of the court, a politician "inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must display a greater degree of tolerance."³¹

The Inter-American Commission on Human Rights expounded on this principle in its report on *desacato* [contempt] laws: "[I]n democratic societies political and public figures must be more, not less, open to public scrutiny and criticism...Since these persons are at the center of public debate, they knowingly expose themselves to public scrutiny and thus must display a greater degree of tolerance

²⁹ Article 19 (3): The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

³⁰ Principle 2, The Johannesburg Principles on National Security, Freedom of Expression and Access to Information. Available at www.1umn.edu/humanrts/instree/johannesburg.html.

³¹ European Court of Human Rights, *Oberschlick v. Austria*, Judgment of May 23, 1991, Series A no. 204, para. 59. See also, *Lingens v. Austria*, Judgment of July 8, 1986, Series A no. 103.

for criticism.”³² According to the Siracusa Principles on the limitation of civil and political rights, the restriction clauses in article 19 of the ICCPR “shall not be used to protect the state and its officials from public opinion or criticism.”³³

In October 2002, the African Commission on Human and Peoples’ Rights adopted a Declaration of Principles on Freedom of Expression in Africa,³⁴ which sets forth the positive obligations of the state parties to the African Charter in relation to freedom of expression, including in regards to the right to information,³⁵ and the incompatibility of a state monopoly over a broadcasting system.³⁶

Finally, several resolutions by the U.N. Commission for Human Rights take a strong position on the need to promote literacy and education, both of which can help to ensure the enjoyment of these universal rights.³⁷

Angolan Legislation

Freedom of expression and freedom of assembly and protest are constitutionally guaranteed rights in Angola. Article 32 (1) of the Angolan constitution states that:

“The rights to freedom of expression, assembly, demonstration and all other means of expression are guaranteed.”³⁸

Further:

“Freedom of the press shall be guaranteed and may not be subject to any censorship, especially political, ideological, or artistic.”³⁹

³² Inter-American Commission on Human Rights, Annual Report 1994, *Report on the Compatibility of “Desacato” Laws with the American Convention on Human Rights*, OEA/Ser L/V/II.88, Doc. 9 Rev (1995). *Desacato* laws (also known as contempt laws) were used in a number of Latin American countries to punish speech deemed to be insulting or threatening to public officials. The Commission concluded that such laws serve no legitimate aim and are inconsistent with free expression in a democratic society.

³³ Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, Principle 37. The Siracusa Principles were adopted in a broad meeting of experts convened in 1984 by the United Nations Center for Human Rights and other organizations.

³⁴ Resolution on the Adoption of the Declaration of Principles on Freedom of Expression in Africa (DPFEA), African Commission on Human and Peoples’ Rights 32nd Session, October 17-23, 2002: Banjul, The Gambia. Available at www1.umn.edu/humanrts/achpr/expressionfreedomres.html.

³⁵ DPFEA, Article 4 (1) Public bodies hold information not for themselves, but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.

³⁶ DPFEA, Article 5 (1) States shall encourage a diverse, independent private broadcasting sector. A state monopoly over broadcasting is not compatible with the right to freedom of expression.

³⁷ See also, U.N. Resolution entitled “United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights,” December 9, 1998; U.N. Resolution on Education for All, A/C.3/52/L.IV/Rev.1/ October 29, 1997 and Resolution A/54/595 of the 54th session of the United Nations General Assembly, October 1999.

³⁸ “São garantidas as liberdades de expressão, de reunião, de manifestação, de associação e de todas as demais formas de expressão.” Article 32 (1) Angolan constitution, September 16, 1992.

The Angolan Press Law (Lei de Imprensa) provides that the right of expression, and the right to teach and learn, can be exercised in all forms: by written and spoken means,⁴⁰ and through intellectual, scientific, and cultural discourse.⁴¹

Limitations to fundamental rights are envisioned in the Angolan constitution only when the exercise of such rights would constitute a threat to public order, the public interest, or individual liberties and guarantees.⁴² These limitations, also envisioned in states of emergency or siege, should never affect the right to life, the right to physical integrity, to identity, to be recognized as a person before the law, to citizenship, the principle of non-retroactive application of criminal law, the right to defense for those charged with criminal offenses and freedom of conscience and religion. These guarantees closely parallel the provisions of the ICCPR.⁴³

Further, according to Article 21 (2) of the constitution, national legislation must be interpreted in accordance with the international treaties to which Angola is a party and the principles of the Universal Declaration of Human Rights.⁴⁴

Need for Reform of Angolan Laws

Despite the existence of constitutional guarantees, national legislation still imposes greater restrictions on freedom of expression than permissible under the constitution (or international law). Although government leaders have promised to

⁴⁰ "É garantida a liberdade de imprensa, não podendo esta ser sujeita a qualquer censura, nomeadamente de natureza política, ideológica e artística," Article 35 (1) Angolan constitution, September 16, 1992.

⁴¹ Article 2 on the definition of (1) print and publications, (2) radio transmission and (3) transmission and retransmission of TV broadcasting; Press Law (Lei de Imprensa, No. 22/01), June 15, 1991.

⁴² Article 3 (e) on functions of the Social Communication institutions; Press Law (Lei de Imprensa, No. 22/01), June 15, 1991.

⁴³ Article 52 (1) states: The exercise of rights, freedoms, and citizens' guarantees can only be limited or suspended according to the law when it would put at risk public order, the public interest, rights, freedoms and individual guarantees, or in case of declaration of coup d'état or emergency, where these restrictions will be limited to guarantee public order, the public interest and the reestablishment of constitutional normality.

⁴⁴ The International Covenant on Civil and Political Rights, to which is Angola is a party, provides for derogation from certain rights in "time of public emergency which threatens the life of the nation" provided the state of exception is "officially proclaimed." ICCPR, art. 4 (1). However, Article 4 (2) of the Covenant provides that no state may derogate from Articles 6 (right to life); 7 (prohibition on torture); 8 (1) and (2) (prohibition on slavery and forced servitude); 11 (prohibition on imprisonment for violation of contractual obligations); 15 (prohibition on retroactive application of criminal sanctions); 16 (right to recognition as a person before the law); and 18 (freedom of thought, conscience and religion).

⁴⁵ Article 21 of the Angolan constitution provides: (2) Constitutional and legal norms related to fundamental rights shall be interpreted and incorporated in keeping with the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and other international instruments to which Angola has adhered. (3) In the assessment of disputes by Angolan courts, those international instruments shall apply even where not invoked by the parties. Article 21 (2) "As normas constitucionais e legais relativas aos direitos fundamentais devem ser interpretadas e integradas de harmonia com a Declaração Universal dos Direitos do Homem, da Carta Africana dos Direitos dos Homens e dos Povos e demais instrumentos internacionais de que Angola seja parte." (3) "Na apreciação dos litígios pelos tribunais angolanos aplicam-se esses instrumentos internacionais ainda que não sejam invocados pelas partes."

draft more modern press legislation for more than two years, the current law still places unacceptable restrictions on press activities.

Angolan law, like many civil law countries, protects individuals' "right to honor" through criminal sanctions for *injúria*, *calúnia*, and *difamação*.⁴⁵ *Injúria* is the attribution of a negative characteristic that may affect the person's moral dignity; *calúnia*, is the wrongful accusation that someone has committed a crime; *difamação*, equivalent to defamation in common-law countries, is the attribution of something offensive to the person's reputation. These crimes are punishable by periods of imprisonment ranging from two to eight years and/or by fines.⁴⁶

Human Rights Watch maintains that, as a matter of principle, criminalization of defamation is an unnecessary and disproportionate measure that, in itself, violates freedom of expression and media freedom. It serves no legitimate aims that cannot be sufficiently protected by private law remedies.

In addition, a publication may be suspended for as much as one year if it has published three articles or images over a period of three years that give rise to successful prosecutions for *difamação* or *injúria*.⁴⁷ In practice, influential officials are able to take advantage of these laws to silence criticism as a result of a continuing lack of independence in the judiciary: a state of affairs that some Angolan journalists view as being more damaging than the legislation itself.

Of equal concern is the treatment of criticism of public authorities under Angolan law. While Article 45 of Angolan Press Law provides that proof of the veracity of the statement alleged to constitute *injúria*, *calúnia*, or *difamação* constitutes a defense to prosecution, a specific exception is made for criticism of the president of the Republic of Angola and other heads of state.⁴⁸ In other words, even if true, statements of fact or opinion that might be disagreeable to the president of Angola constitute criminal offenses punishable by prison.⁴⁹ In addition, legislation that

⁴⁵ See Article 587 of the Angolan Penal Code and Article 20 of the Angolan constitution.

⁴⁶ *Ibid.*

⁴⁷ See Article 45 (5) Press Law (Lei de Imprensa, No. 22/01), June 15, 1991. "Poderá ser suspenso o periódico no qual hajam sido publicados escritos ou imagens que tenham dado origem, num período de 3 anos, a três condenações por crime de difamação ou injúria."

⁴⁸ Criticism of the president and other heads of state is considered an aggravation to the crime of *injúria* and *difamação*. See Article 44 (2) Publication or, by means the press, of *injúria*, *difamação* or threat against authorities above mentioned [heads of Angolan government, heads of foreign states present or other diplomatic representatives present in Angola], is considered an offence made in their presence. "A publicação ou difusão, pela imprensa, da injúria, da difamação ou ameaça contra as autoridades referidas no número anterior, considera-se como feita na presença delas." (Author's translation).

⁴⁹ See Article 46 Press Law (Lei de Imprensa, No. 22/01), June 15, 1991. "Se a pessoa difamada for o Presidente da República Popular de Angola ou Chefe de Estado estrangeiro ou seu representante em Angola, não é admitida a prova da verdade dos factos." This legislation was last invoked in the case of Rafael Marques, sentenced to six months imprisonment in March 2000. Marques was released after forty days in the face of strong international pressure, and his sentence was later commuted to a suspended sentence before he was eventually granted amnesty.

explicitly penalizes offensive expressions directed at public officials, known as *desacato* laws (disobedience to authority) imposes sanctions such as suspension from work, fines, and imprisonment on journalists convicted under the law. By giving public officials greater protection than offered to private citizens, *desacato* laws undermine the democratic principle of oversight of governmental authority by public scrutiny.

Freedom of association is regulated by specific legislation that defines an association and establishes requirements for legal recognition.⁵⁰ Associations are required to submit their request for registration and founding statute to the Ministry of Justice. If the ministry is satisfied with the documentation, it will publish the association's statute in the official government paper, *Diário da República*. After this publication, the association should send a copy of the *Diário da República* to the Attorney General (Procurador Geral da República) to register the association's statute. The association should then be sent an official registration number, proof of its registration as a legal recognized entity. Although the government has recently issued a new presidential decree to regulate activities of non-governmental organizations in Angola, the requirements for registration have not been altered.⁵¹

According to the Law on the Right of Assembly and Demonstration (*Lei Sobre o Direito de Reunião e de Manifestação*), organizers of protests must inform authorities in writing of the intended protest three days before it is to happen, identifying at least five organizers, including their personal information such as address and occupation.⁵² Requiring that demonstrators notify the authorities in advance does not violate international law, if the requirements are directed, for example, at ensuring public safety. In practice, however, the Angolan authorities use these requirements to prevent legitimate protest; organizers who go to inform the authorities of their intention to protest are frequently informed that the demonstration will be illegal. The Law on the Right of Assembly and Demonstration also establishes conditions that justify police intervention to terminate an authorized protest. Among these conditions are acts or statements that affect the "honor" of the Angolan government or public officials.⁵³

⁵⁰ Law of Associations (Lei das Associações, No. 14/91, May 11, 1991).

⁵¹ Decree No. 84/02, December 31, 2002.

⁵² See Article 6 (1), Lei Sobre o Direito de Reunião e de Manifestação, Lei No. 16/91 (DR No. 20, 1^a Série) May 11, 1991. (As pessoas ou entidade promotores de reuniões ou manifestações abertas ao público deverão informar por escrito com a antecedência mínima de 3 dias úteis ao Governador da Província ou ao Comissário da área, conforme o local da aglomeração se situe ou não na capital da província.) (2) Na informação deverá constar a indicação da hora, local e objecto da reunião e, quando se tratar de cortejos ou desfiles, a indicação do trajecto a seguir.) (3) A comunicação deverá ser assinada por 5 dos promotores devidamente identificados pelo nome, profissão e morada ou, tratando-se de pessoas colectivas, pelos respectivos órgãos de direcção.

⁵³ See Article 8 (1) "As autoridades policiais poderão interromper a realização de reuniões ou manifestações que decorram em lugares públicos, quando estas se afastarem da sua finalidade pela prática de actos contrários à lei ou à moral ou que perturbem grave e efectivamente a ordem e a tranquilidade públicas, o livre exercício dos direitos dos cidadãos ou infringam o disposto no no. 1 do artigo 4^o". And then, Article 4 (1) "O exercício do direito à reunião e manifestação não afasta a responsabilidade pela ofensa à honra e

Although the Angolan constitution does not explicitly guarantee the right to access publicly-held information, this concept was institutionalized by a decree on December 15, 1995.⁵⁴ Access to administrative information is limited by the concept of national defense, also guaranteed by separate legislation, the National Defense Law (Lei da Defesa Nacional).⁵⁵ According to an expert report on Angolan National Security and State Secret (Segredo de Estado), documents and information may be deemed "state secret," a determination made on a case-by-case basis, meaning that they will not be disclosed to those requesting public information: if they fulfill certain criteria such as containing confidential information.

Human Rights Watch takes the view that these restrictions are far too broad and do not conform to international standards, particularly with the Johannesburg principles.

V. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

Arbitrary Imprisonment, Violence, and Threats against Journalists

On February 22, 2003, police in Luanda arrested Jorge Artur, a journalist with the *Folha 8* newspaper, and held him in custody until March 28, 2003. Officials of the National Directorate of Criminal Investigation (DNIC) arrested Artur at the offices of the Tourism Ministry, where he had been attempting to interview officials for a news article about alleged malpractice surrounding the sale of a state-owned hotel.

Artur said he had been received first by the minister, Jorge Valentim, then referred to other officials, who "tried to persuade me to accept something" (i.e. offered a bribe) for Artur not to publish the story. When he left that meeting, the officers from DNIC were waiting for him and took him to their headquarters, Artur said. Later he met the state prosecutor:

"The prosecutor said there was no case against me, no proof, but because he had orders from above, he couldn't free me."⁵⁶

consideração devidas às pessoas e aos órgãos de soberania. Law on the Right of Reunion and Protest (Lei Sobre o Direito de Reunião e Manifestação, Lei No. 16/91 (DR No. 20, 1^a Série) May 11, 1991).

⁵⁴ Decree No. 16A/95, December 15, 1995.

⁵⁵ Lei de Defesa Nacional, Law No. 2/93, March 26, 1993.

⁵⁶ Interview with Jorge Artur, Luanda, May 2004.

After Artur's release, lawyers began a process to bring a defamation suit against Valentim in connection with what they argue was a wrongful arrest, but this was never followed through.⁸⁷

In mid-July 2003, specialized agents charged with the enforcement of tax collection and commerce regulation in Luanda, the Luanda Provincial Oversight Service (Serviços de Fiscalização do Governo Provincial de Luanda), beat two photojournalists working for *Agora* and *A Capital* while they documented abuses and violence against street vendors.⁸⁸

In January and February 2003, the newspaper *O Angolense* published a series of high-profile reports, criticizing Angola's new millionaires and speculating on the murky origins of their fortunes. The reports on the "largest secret fortunes of Angola that exceed \$50 million" sparked fury among some of those named. The two editors of *O Angolense* were threatened, followed by unknown persons, and publicly accused by the political bureau of the MPLA of being anti-patriotic.⁸⁹

Silva Candembo, deputy editor of *Semanário Angolense*, one of the editors of *O Angolense* at the time the article on millionaires was published, told Human Rights Watch about the government reaction to the articles.⁹⁰

"I received phone calls that said 'you quoted a lot of people in your paper. Fifty people. We will kill you and no one will know who did it.' The Minister of Defense, himself, came to our office and told me that if it were a few years ago, or if he had met us on a Saturday, he would deal with this matter differently."⁹¹

Américo Gonçalves, the current editor of *O Angolense*, told Human Rights Watch about threats and other means of intimidation:

"Journalists receive threats in the form of written messages, visits from strangers, anonymous phone calls, but this is not an everyday practice. It usually happens when authorities, especially police and security forces are involved in scandals. Threats are not usually carried out but they work as intimidation. Because of our recent

⁸⁷ Telephone interview with lawyer Luís de Nascimento, May 2004.

⁸⁸ Human Rights Watch interview with Sebastião Marques, Luanda, August 3, 2003.

⁸⁹ Human Rights Watch interview with Silva Candembo, deputy editor, *Semanário Angolense*, Luanda, August 8, 2003. See also, "Riqueza mudou de cor. Os nossos milionários", *Angolense*, January 18, 2003.

⁹⁰ Following a dispute between proprietors and staff over the ownership of the name "Angolense," the editorial staff of the old *Angolense* have produced a paper called *Seminário Angolense*, while a new paper known simply as *Angolense* was founded with different editorial staff.

⁹¹ Ibid.

history and the war, journalists self-censor their work to avoid problems.⁷⁹²

According to those interviewed by Human Rights Watch, work conditions for journalists in the provinces are often worse than in the capital. The authorities in certain provinces are more sensitive than those in Luanda and react more swiftly to perceived offenses.

On May 31, 2003, the Police Office of Criminal Investigations detained and interrogated Manuel Vieira, a correspondent in the southern Huíla Province for the Catholic-owned station Rádio Ecclésia. For several hours, Vieira was pressed to explain why he had chosen to report on the high death rates in the transit camps the Angolan government had built for demobilized UNITA fighters. Vieira was warned against further disclosures and then released.⁸³

In the words of Carlos Feijó, advisor to the Angolan president:

“Press freedom is something that is gradually happening. In Luanda we don't have a problem; in the interior we are still in transition. The work of groups like Human Rights Watch helps to draw our attention to the issues.”⁸⁴

Misuse of Defamation Laws

Five officials in the government and ruling MPLA party have brought charges of defamation against the private weekly *Seminário Angolense* and its editor, Felizberto Graça Campos, in connection with the article that claimed to list Angola's richest men. The charges invoked Article 43 of the Press Law, which concerns “abuse of the press,” and Article 407 of the Penal Code.

On March 30, the Luanda Provincial Court passed sentence in the first of the five cases, brought by Defense Minister Kundi Paihama. The court sentenced Campos to forty-five days imprisonment, with the alternative of a fine of 9,000 Kwanzas (about \$110 (U.S.)), and in addition ordered Campos to pay compensation of \$1,200 to Paihama.

Campos said his lawyer had decided not to appeal against the sentence, for the reason that the penalty was lighter than expected, a fact that he explained as follows:

⁸² Human Rights Watch interview with Américo Gonçalves, editor, *O Angolense*, Luanda, August 7, 2003.

⁸³ See, Reporters without borders, Angola 2002-2003 Annual Report; May 2, 2003.

⁸⁴ Human Rights Watch Interview, London, March 2004

"There is a political explanation for this. For the court it would be very difficult to absolve me. Any judgment that absolved me would suggest the court recognized the existence of the millionaires, which would be embarrassing for the regime. But it is known that the court took into account the fact of the existence of the millionaires in not imposing a heavier sentence. Courts are not independent in this country. They suffer political pressure like other institutions. If courts were independent this would not have happened...calling someone a millionaire is not defamation."⁶⁵

Campos was acquitted in the second case, and judgment is still pending in the remaining three cases.

In May 2004, first lady Ana Paula dos Santos announced she would bring defamation suits against two private weekly newspapers in connection with articles that made allegations about her business interests.

The first lady stated her intention to sue the *Agora* newspaper and its editor, Aguiar dos Santos, over an article alleging her involvement in a company that was trying to force the residents of a building in central Luanda to vacate their apartments.⁶⁶

Mrs. dos Santos has also declared she will take action against the *Folha 8* newspaper over a story published on April 24, 2004, which alleged the first lady was the owner of a private clinic where security guards had refused to admit the victims of a nearby road accident, despite the paper publishing a correction a week later, stating that Mrs. dos Santos was in fact not the owner of the clinic.⁶⁷ The cases are still pending.

In a separate case in October 2003, police from DNIC summoned Aguiar dos Santos for questioning in connection with an article in *Agora* that alleged links between the Eduardo dos Santos Foundation, FESA (a private charity headed by the Angolan president) and Brazilian drug-traffickers. Aguiar dos Santos was allowed to leave after questioning, but now faces ten separate counts of defamation, brought by individuals involved in FESA who claim their names have been brought into ill-repute by the article. He says he is still awaiting further developments in the case.

⁶⁵ Interview with Felizberto Graça Campos, Luanda, May 2004.

⁶⁶ Letter signed by Ana Paula dos Santos, May 3, 2004.

⁶⁷ Letter signed by Ana Paula dos Santos and published in *Folha 8*, May 8, 2004.

Such cases have created a climate of self-censorship, according to Aguiar dos Santos. "Papers are frightened of saying certain things...friends, people with connections in DNIC and the Interior Ministry advise one not to say certain things."⁶⁶

Restrictions on Private Radio

The Angolan government has continued in its efforts to prevent the Catholic broadcaster, Rádio Ecclésia (RE), from extending its signal outside of Luanda. RE is known in Luanda as a station which gives space to a wide range of opinions from politicians and civil society, and which reports on controversial actions by the government such as police violence or housing evictions. RE's statute dates back to colonial times, when it had a license to broadcast throughout Angola. The station ceased functioning when its assets were confiscated by the MPLA government in 1978. Broadcasts were once again made legal in 1992 but were confined to Luanda since the shortwave transmitter, which had been used to access the provinces, no longer worked. RE has since re-acquired the technical capacity to broadcast outside of Luanda, and on November 7, 2003, Angola's Catholic bishops informed the minister responsible for broadcasting, Pedro Hendrick Vaal Neto, that test broadcasts would take place in the provinces on December 8.⁶⁷ The minister responded on November 26, expressing surprise at RE's intentions and declaring that the proposed test broadcasts would be illegal.⁶⁸

Early in December, Catholic dioceses in at least two provinces were invited to send a representative to a meeting supposedly between "government and religious entities." According to a priest in Huambo, the Catholic delegate at the meeting arrived to find that no other churches were represented, and that other attendees included the local heads of the army, the national police, and the intelligence services. The meeting proceeded "in a climate of intimidation," the priest said. The authorities in Moxico province convened a similar meeting.⁶⁹

Journalists argue that the authorities are granting privileged status to RNA in the allocation of new broadcast frequencies:

"The decree for regulation of radio broadcasting was approved in September 1997. Since then the government has not approved the allocation of frequencies for broadcasting. This has not stopped state radio from installing [new] FM broadcasting, including Radio Cinco, an FM station dedicated to sport, which was launched in

⁶⁶ Human Rights Watch interview with Aguiar dos Santos, Luanda, May 2004.

⁶⁷ Letter from the Catholic Bishops Conference of Angola and São Tomé, November 7, 2003.

⁶⁸ Letter from Pedro Hendrik Vaal Neto, November 26, 2003.

⁶⁹ Human Rights Watch interviews in Huambo, April 2004 and Luena, May 2004.

1999 and is heard in Benguela, Lobito, Huambo, Namibe, Cabinda, Uige, and Dundo."⁷²

The continuing absence of RE from the provinces means that the government enjoys a near-monopoly over the media outside of Luanda. The only exceptions are private radio stations in Cabinda, Benguela, and Lubango, which, according to journalists, seldom broadcast material critical of the government.

Government and ruling party officials have regularly spoken out in public against RE. In March 2003, Minister Neto accused the broadcaster of waging "radio terrorism."⁷³ Neto has on other occasions accused Radio Ecclésia of serving as a vehicle for offenses, defamation, and false propaganda against Angolan institutions.⁷⁴ More recently, in response to the promise of the U.S. government to invest \$300,000 (U.S.) to support Rádio Ecclésia's transmission nationwide, João Lourenço, General Secretary of the MPLA, accused the United States of "gross interference" in Angolan affairs.⁷⁵

Access to Official Information and State Owned Media

The Angolan government restricts the activities of activists and journalists from the private press. Journalists from the private media are regularly denied participation in public events, especially those where the president will be present. Their access to governmental documents is also limited. This enables the government to manipulate information and to hinder journalists' ability to provide accurate information.

On August 4, 2003, government authorities held a press conference to respond to allegations that a clandestine cemetery had been discovered in the surroundings of Luanda where the bodies of those reportedly executed by the National Police were believed to be buried.⁷⁶ Only state-run media were present at the conference: *Jornal de Angola*, Radio Nacional, and TPA. Private media, including those that had reported on the allegations, were not allowed to attend. Nor were they able to obtain the official statement from the conference. Police from the province of

⁷² Human Rights Watch interview with Rádio Ecclésia journalist João Pinto, Lisbon, May 2004.

⁷³ Human Rights Watch interview with human rights activist who requested not to be identified, Luanda, August 2, 2003.

⁷⁴ Human Rights Watch interview with an international observer who requested not to be identified, Luanda, August 3, 2003. Human Rights Watch interview with Radio Ecclésia staff, Luanda, August 16, 2003. MPLA authorities have also accused the Catholic Church of not respecting Angolan laws and stated that because it has received a concession to radio broadcast in Angola, it has a privileged position in Angola related to other recognized religions of the country. See for example, "João Lourenço acusa EUA de ingerência nos assuntos de Angola," *Jornal de Angola*, August 2, 2003.

⁷⁵ "Grosseira ingerência nos assuntos internos de Angola." (Author's translation) See, "João Lourenço acusa EUA de ingerência nos assuntos de Angola," *Jornal de Angola*, August 2, 2003.

⁷⁶ See, "Vala comum no Cazenga," *A Capital*, August 2, 2003.

Luanda and policemen of the anti-riot squad (*polícia anti-motim*) prohibited access to the location and to area inhabitants who could provide information and testimony regarding the allegations.⁷⁷

The access to information afforded by the government to representatives of civil society is also severely circumscribed. National and international non-governmental requests for specific information are usually delayed or simply denied.

Generally, Angolans who are not members of the MPLA report that they cannot express any opinion critical of the government in the country's state-owned media. After Rasgadinho was arrested in September 2003, his colleague Sebastião Domingos told Human Rights Watch:

"I called Radio Luanda [a state-owned radio station]; at that hour, they had a program when persons could call in, but before I was on air they told me 'don't count on us...we have nothing to do with this. Why don't you call Rádio Ecclesia [the church-owned radio station].'"⁷⁸

On July 30, 2003, while university professors were in the midst of a forty-five day strike, state-owned media reported that classes would return to normal on that day. Professor Carlos Zassala, leader of the professors' union, said this distorted information of public interest.

"Negotiations were developing but the strike was not over. When the media reports false allegations of this sort it illustrates, at least, the manipulation of state-owned media vehicles."⁷⁹

Obstacles to Distribution of Private Newspapers

Provincial governments have confiscated entire editions of private newspapers. The authorities in Luanda, for example, confiscated both February 2003 editions of *O Angolense* that carried the articles on the fifty largest secret fortunes of Angola. *Semanário Angolense* reported that copies of its July 2003 edition were also confiscated after it criticized the governor of Benguela.⁸⁰

⁷⁷ Human Rights Watch interview with journalist present at the site who requested not to be identified. Luanda, August 11, 2003.

⁷⁸ Human Rights Watch interview with Sebastião Domingos, Luanda, August 5, 2003.

⁷⁹ Human Rights Watch interview with Professor Carlos Zassala, Luanda, August 14, 2003.

⁸⁰ Human Rights Watch interview with Silva Candembo, editor of *Semanário Angolense*, Luanda, August 8, 2003.

Silva Candembo, who was editor of *O Angolense* when the article about the millionaires was published and is today the deputy editor of *Semanário Angolense*, told Human Rights Watch:

"We know when there is something wrong. Our papers came out on Saturdays and are sold during the week until Wednesday. If Sunday comes and there are no papers circulating in Luanda, something is wrong. In the provinces it's even easier to know because it is not the norm that all the papers are bought at the airport before distribution to our sellers and this was the case when we ran the millionaires story and more recently when we criticized the governor of Benguela."⁸¹

Other private newspapers report similar problems. According to officials at *Agora*, the Dundo city government purchased the entire run of that paper's July 5, 2003 edition because it contained an article that accused former Governor José Moisés Cipriano of electoral fraud in the province of Lunda Norte.⁸²

Artistic Expression

Restrictions on freedom of expression are not confined to the media. In December 2003, members of the presidential guard killed Arsénio Sebastião, twenty-seven, after hearing him sing an anti-government rap song while he was at work washing cars on a quayside in the southern suburbs of Luanda. The incident drew sharp criticism from the public prosecutor, who started a murder investigation; the suspects have yet to be brought to trial.⁸³

The song that attracted the attention of the presidential guard was written by a rap artist known as MCK, who described to Human Rights Watch the difficulty that he experiences in organizing public performances and in distributing his music.

"It is difficult to hire a hall for a concert—the owners are frightened."⁸⁴

⁸¹ Human Rights Watch interview with Silva Candembo, editor of *Semanário Angolense*, Luanda, August 8, 2003. For distribution in the provinces, *Semanário Angolense* has negotiated a business agreement with a private airline that, however, still does not reach all the provinces in Angola.

⁸² See, "Na Lunda-Norte – Agora 'Confiscado' pelo MPLA," *Agora*, July 19, 2003, p. 11. Accusations against the vice-governor were then investigated and José Moisés Cipriano was forced to resign on July 12 by the MPLA directorate (directorate, surely?).

⁸³ *Público* newspaper, Lisbon, December 2003.

⁸⁴ Interview in Luanda, May 2004.

Rádio Ecclésia and the commercial station LAC have broadcast his music, but the state radio and television refuse to play music with a critical political message. MCK's CDs are recorded on a personal computer with labels printed on a photocopier and are marketed largely by word of mouth. MCK says he has received letters and e-mails telling him to stay out of politics.⁶⁵

VI. VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSOCIATION

Threats and Attacks against Activists

The situation of opposition political parties and civil society groups remains precarious outside of Luanda. In particular, the former rebel movement UNITA has faced difficulties in its attempts to establish civilian political structures in the provinces, following the demobilization of its military forces.

UNITA members in Huambo city told how they had come to the city to seek refuge after armed men attacked the UNITA branch office in Kalima, a small town in Huambo province.

According to testimony by two officials who were working and temporarily residing in the office building, unknown men first attacked the office on March 23, 2004, at about 9 p.m., breaking a glass door. About five people entered the building until the occupants called for help, and a further twenty people remained outside.

One of the witnesses said that on March 26, at about 3 p.m., a group of armed men arrived in Kalima from another town, Chilemba. According to the witness:

"They were wearing FAA uniforms, but with O.D.C. badges. All of them had firearms – AK-47s and AKMs – and they also had machetes, pickaxes, hoes, and two liters of petrol."

Shortly after midnight on March 29, this group attacked the UNITA office, throwing petrol through the window of the front office of the building and setting it on fire, and entering into the living quarters at the back where they threw stones at the occupants, injuring two people. The witness continued:

"One of our men went to the police to get help. Unfortunately the police didn't co-operate because they knew what was going on. One of the neighbors lit a lantern, then the forces started running

⁶⁵ Interview in Luanda, May 2004

away. All of our delegation had run away by this time, but we went back and spent the night there. We managed to put the fire out.

Some things had been stolen: \$550 from our management fund and kitchen equipment. Other things were burnt: seventeen blankets, twenty-eight pairs of trousers, twenty-three shirts, fifteen T-shirts, nine cloths, fourteen blouses, three caps.

At 6 a.m. we went to the police again and asked for their help and to provide security. The police commander said 'go and do your work, and if there is another problem, contact us'.

At 8 a.m. the same group came back to destroy the delegation (office). I recognized the commander of the force, a man called Mariano. We ran away, through the bush, until we got to the main road. Our members in the bairro (poor outlying neighborhood) didn't know what had happened. Then we came here (to Huambo). The police started a manhunt in Bairro Santangoti, where two of our members were: Estevão Balako and Graciana Xavier. They were beaten by the police and put in jail – they escaped and came to Huambo.”

An official from LIMA (the UNITA women's league) who witnessed the incident said the attackers had told her “if you stay here you have to be MPLA” and ordered the women present to leave LIMA and join OMA (the MPLA women's organization).⁸⁸

UNITA has written letters to the provincial government, police, army, and intelligence services detailing two further attacks on UNITA activists in Huambo province.

In the first of these incidents, activists Manuel Estevão Sambumba and Júlio Epalanga were allegedly attacked on February 28, 2004 in the Kangongo sector of Mungo municipality. Sambumba's collarbone was broken and his shoulder dislocated, while Epalanga's right hand was injured. UNITA's letter names seventeen attackers; four of them were said to be dressed in FAA uniforms, while a further three are identified as state intelligence agents, and all but one of the others as activists in the MPLA or MPLA Youth.

⁸⁸ Human Rights Watch interviews in Huambo, April 2004. These accounts of the incident are corroborated by a letter sent by UNITA to the provincial government, police, army, and intelligence services.

In the second incident reported by UNITA, fifteen men carrying stones and knives attacked the local UNITA office in Chipipa commune at 8.30 p.m. on March 26, 2004. The local branch secretary, Adriano Sali, was injured, and the attackers stole goods.

In Kanganba, Moxico province, police detained and beat Soba (traditional leader) Felipe Samuyuleno, who was more than eighty years old and a long-standing UNITA member. The incident is believed to be linked to Samuyuleno's refusal to join the MPLA. (Sobas are a powerful force in rural Angola, not least because they control access to land by subsistence farmers.) Supporters of the former rebel movement in Huambo and Moxico provinces said sobas were under pressure from the local government not to receive UNITA supporters into their areas.⁸⁷

Officials of the Partido de Renovação Social (PRS), which is most active in the north-east of the country, reported the murder of Soba Mualengue, a traditional leader in Monakimbundo commune, in September 2003. They believe that the failure on the part of the authorities to investigate the death is linked to the chief's sympathies with the PRS.⁸⁸

PRS officials have also reported that flags hoisted by PRS members in their villages have been torn down.⁸⁹

In Cabinda province, civil society activists reported attempts by the government to prevent the formation of a civic association in the oil-producing enclave in February 2004. They said police had blocked access to a stadium in Cabinda city where a launch ceremony was to be held for the Mbalapanda civic association, despite the association having followed the correct legal procedures for the holding of the rally. The launch of the civic association has since gone ahead.⁹⁰

Carlos Leitão, president of PADEPA, said agents of SINFO (the state intelligence service) followed him in Luanda during March 2004. Leitão said the agents had on occasion asked his relatives and neighbors about his whereabouts; he added that this stopped after he initiated legal action against SINFO.⁹¹

On March 19, 2003, Luís Araújo, an activist with the Angolan NGO SOS-Habitat who teaches human rights during the association's meetings, stepped out of his car in Luanda's Benfica neighborhood. He knew the police had surrounded the neighborhood and was trying to evict its population of approximately 240

⁸⁷ Interviews with Bishop Gabriel Mbilungue, Luana, May 2004, and UNITA parliamentarian Manuel Savhembá, Luanda, May 2004; Savhembá had earlier travelled to Moxico to investigate the incident.

⁸⁸ Human Rights Watch interview with Tito Chimono, PRS coordinator for Saurimo.

⁸⁹ Human Rights Watch interview with Tito Chimono, PRS coordinator for Saurimo.

⁹⁰ IRINNEWS February 3, 2004: ANGOLA: Cabinda Activists Complain of Harassment.

⁹¹ Human Rights Watch interview with Carlos Leitão, Luanda, May 2004.

people.⁸² Araújo walked toward the head of the police to try to negotiate the eviction. Police officers pushed him with their weapons and told him to leave. They threatened his life, but he insisted on staying. One police officer told Araújo that if he ever went back, they would kill him.⁸³ A group of people from the community intervened to save him and then accompanied him to his car. Police denied Araújo's repeated requests to access the community for the next two months. The eviction operation lasted for about three months during which time police action resulted in several injuries, one death, and one miscarriage resulting from severe beatings.⁸⁴ Luis Araújo told Human Rights Watch:

"They knew I was the leader of the community. I had spoken to them before. I wanted to negotiate with them. I had instructed the people to resist peacefully but the police came to me with their weapons in hand. I couldn't speak. I was pushed out of there and almost killed."⁸⁵

In March 2003, José Pedro João Rasgadinho, leader of the Boavista Neighborhood United Residents' Commission (Comissão de Moradores Unidos do Bairro Boavista) organized a protest against the arbitrary relocation of the inhabitants of Boavista to two other neighborhoods, Zangu-Calumbo and Terra Nova II.⁸⁶

"Rasgadinho was the main point of contact for people from Zangu-Calumbo, Terra Nova II, and Boavista. However, after three meetings with people living in these communities, Rasgadinho was denied access to the new neighborhoods. Police officers threatened

⁸² According to Amnesty International, between July 2001 and April 2003, more than 470 houses were demolished in Benfica commune. Some of the houses had been rebuilt and again demolished. In this period, Benfica residents were forcibly evicted and taken to Cacaco municipality almost forty kilometers from their original homes. See, "Mass Forced Evictions in Luanda – A Call for Human Rights-based Housing Policy," Amnesty International, November 12, 2003. Available at: <http://www.web.amnesty.org/library/Index/ENGAFR120072003?open&of=ENG-AGO>

⁸³ Human Rights Watch interview with Luis Araújo, Luanda, August 4, 2003.

⁸⁴ Despite its importance, this high profile case was not reported at all by state-owned media. According to José Araújo, it was reported by *Folha 8, Agora*, and *Rádio Ecclesia*. Human Rights Watch interview with José Araújo, SOS-Habitat, Luanda, August 4, 2003.

⁸⁵ Human Rights Watch interview with José Araújo, SOS – Habitat, Luanda, August 4, 2003. José Araújo told Human Rights Watch that the threats against him personally had apparently ceased as of August 2003, but that police forces still control the Benfica neighborhood and often commit abuses against its population.

⁸⁶ According to Amnesty International, more than 4,000 Boavista families had been forcibly evicted from their neighborhood and installed in the neighborhoods of Zangu-Calumbo and Terra Nova II. In these locations, families were allocated in tents that held up to four families with limited access to latrines and almost no employment opportunities or access to central Luanda for work. For more on forced evictions in Luanda see, "Mass Forced Evictions in Luanda – A Call for Human Rights-based Housing Policy," Amnesty International, November 12, 2003. Available at: <http://www.web.amnesty.org/library/Index/ENGAFR120072003?open&of=ENG-AGO>

him repeatedly. Rasgadinho also said he and his family had been threatened by unknown people.⁹⁷

On September 11, 2003, Rasgadinho was again arrested and accused of mobilizing those who had been relocated. Although the prosecutor found no grounds to charge him and ordered his release on the following day, he was not released until September 15, 2003, allegedly for having mislaid his release warrant.⁹⁸

Registration Requirements as a Means of Limiting Freedom of Association

As described previously in the legal section of this report, under national legislation, civil society organizations, including human rights groups and trades unions, must obtain official registration. Requests for registration are often denied, even when these organizations comply with all the official registration requirements. The lack of legal status then undermines the work of these organizations, and sometimes restricts their access to funding.

For example, members of the Associação para Justiça, Paz e Democracia (Association for Justice, Peace and Democracy, AJPD) have been denied permission to visit prisons in Luanda on the grounds that AJPD had not been legally registered. In 2000, AJPD had filed for registration, and submitted all the required documentation. Its statute was published in the *Diário da República* on August 11, 2000.⁹⁹ AJPD, however, never received its registration number, and when the organization requested information about the number of detainees in the Luanda prison facilities, the authorities accused the organization of being illegal and required it to change its approved statute.¹⁰⁰ AJPD members were prosecuted for defamation and interrogated after distributing leaflets protesting against this action.¹⁰¹ During police interrogation, Pedro Romão, AJPD vice-president, was beaten on the face and thrown to the ground from his chair. AJPD members immediately presented a public statement that was broadcast by local private radio stations. The police authorities apologized orally to AJPD members in person. The criminal cases, however, are still pending.¹⁰²

⁹⁷ Human Rights Watch interview with José Pedro João Rasgadinho, Luanda, August 5, 2003.

⁹⁸ Human Rights Watch phone interview with a member of the Boavista Ward United Residents' Commission representative who requested not to be identified, November, 2003.

⁹⁹ See, *Diário da República*, III Série – No. 32, August 11, 2000, p. 1377-1382. This publication by the Ministry of Justice normally indicates that the organization's request for registration has been approved.

¹⁰⁰ See for example, *Serviços Prisionais de Luanda* correspondence, OF No. 1387/DTJ-SP/2001 and *Tribunal Supremo de Luanda* correspondence, OF No. 0230/500/GJCP/TS/02, April 8, 2002.

¹⁰¹ See, Ministry of Justice Proc. No. 104/02; Luanda, July 11, 2002.

¹⁰² Human Rights Watch interview with Kimpuanza Marlene Paulo Amaro, Director of AJPD, Luanda, August 4, 2003.

Kimpuanza Marlene Paulo Amaro, director of AJPD told Human Rights Watch:

"In addition to this prosecution, more recently, we have received a threat to close the organization in forty-five days in an official communication from the Office of the Attorney General. We have appealed, but we cannot get any response from authorities. Basically, they just ignore our claims of irregularities."¹⁰³

The Sindicato de Jornalistas Angolano (Angolan Journalists' Syndicate, SJA), with 1,253 affiliated members,¹⁰⁴ requested official registration in April 1996. It is still awaiting official recognition.¹⁰⁵ Many of the other organizations, associations, and unions cited in this report face similar bureaucratic obstructions.¹⁰⁶

Even if the routine failure to recognize civil society organizations is not a deliberate policy, as many suspect, it represents the failure by the Angolan government to ensure the free exercise of the right to free association, guaranteed by its own law and international human rights treaties.

VII. VIOLATIONS OF THE RIGHT TO PEACEFUL ASSEMBLY

On April 22, 2004, armed men believed to be police and/or private security operatives opened fire on a crowd in Cafunfo, Lunda Norte province, north-eastern Angola. Those present had gathered to protest attempts by a diamond company operating in the area to remove generators that had been used to supply electricity to the neighborhood.

Nine people died, including a boy aged ten, and two girls, aged fourteen and fifteen, according to a list of names compiled by the local residents' association. The residents' association also claims that six unnamed individuals died, including four Senegalese and two nationals of the Democratic Republic of Congo. Twenty people, aged between seventeen and fifty-six, were injured in the same incident, according to the residents' association. Police arrested seventeen people at the scene of the demonstration. Lawyers acting for the group say the seventeen were taken to the provincial capital, Dundo, more than 600 kilometers away by road, and placed in police custody. The authorities in Dundo have

¹⁰³ Human Rights Watch interview with Kimpuanza Marlene Paulo Amaro, Director of AJPD, Luanda, August 4, 2003. See also, Procuradoria Geral da República No. 000187/01.03.2203, February 24, 2003 and AJPD's appeal No. 90/MG/03 March 26, 2003.

¹⁰⁴ The Union estimates that there are about 1,500-1,600 journalists in Angola in total. Human Rights Watch interview with Ismael Mateus, Luanda, August 5, 2003.

¹⁰⁵ Human Rights Watch interview with Ismael Mateus, General Secretary of the Journalist's Union, Luanda, August 5, 2003.

¹⁰⁶ Human Rights Watch interview with Professor Carlinhos Zassala, Luanda, August 16, 2003.

informed lawyers that three of the seventeen have subsequently died in custody, but have neither handed over the bodies nor released the names of the dead. The authorities have prevented lawyers and family members from visiting the detainees.¹⁰⁷

Reportedly killed:

David Alexandre Carlos, 10
Madalena Fernando, 15
Manuel Lucas Samuyanza, 27
Fernando Augusto, 24
Baptista Paulo, 23
Avelino Gemixi Filipe, 29
Cabenguele wa Cabenguele, 34
Margarida Muangueno, 14
Filomena Muamuhunga, 24
(plus six unnamed)

Reportedly detained:

Josefo Adão
Silvestre Marcos Jacinto
João Manuel David
Francisco Muxito
Morais Popi
Enoque Jeremias
Borges Cardoso
Luciano Filipe
Lucas Muaco
Castro Paulino
Morais Muhongo
Jonaique Timoteo
Joao Lourenço
Noé Joaquim
Paulo Lucas Veneno
Massaco Chinamo
Pinto Muacavula

On March 2, 2004, PADEPA members participated in a demonstration outside the United States embassy in Luanda, aimed at communicating their concerns about corruption in Angola to the U.S. government. The demonstration went ahead, despite the presence of members of the Rapid Reaction Police ("Ninjas") with dogs. The fact that the demonstration went ahead was in marked contrast to

¹⁰⁷ Interviews with representatives of Cafunfo Residents' Association and of Mãos Livres Human Rights Law Association, Luanda, May 2004.

previous attempts by PADEPA and other opposition groupings to hold demonstrations in Luanda.¹⁰⁸

On June 3, 2003, PADEPA's chairperson, Carlos Leitão, and five other members of the party were violently arrested while protesting against corruption.¹⁰⁹ Members of PADEPA had voted to authorize and organize a peaceful protest in front of the monument to Agostinho Neto, Angola's first president, in downtown Luanda. They had planned to stay there for forty-eight hours and had fulfilled all the requirements under the law to inform the authorities of their intentions.¹¹⁰

A day before the scheduled protest, the Angolan government announced on Rádio Nacional de Angola that the protest was illegal and had not been authorized.¹¹¹ The PADEPA leaders claimed a right to respond under the national press law¹¹² and were granted several minutes to explain on air that their protest was peaceful, legal, and did not need official authorization.

The protest lasted less than three hours, before a group of masked police arrived and beat protesters with batons. The president of PADEPA and five other party leaders were arrested and held for four days on charges of disorderly conduct and disobedience.¹¹³ Charges were dropped and they were released on June 7, 2003, following an application to court for a writ of *habeas corpus* on their behalf.¹¹⁴

Martinho Carpelto, communications secretary of PADEPA, who was arrested on the day of the protest but later released by *habeas corpus*, told Human Rights Watch that this was the fourth occasion on which PADEPA activists had been arrested while protesting.¹¹⁵

On October 3, 2003, more than 1,000 Angolans protested in the streets of Luanda, in a call for elections in 2004. This was the country's first authorized anti-government demonstration since the end of civil war. The event, organized by a

¹⁰⁸ Interview with Carlos Leitão, Luanda, May 2004.

¹⁰⁹ See, Ata da 1ª. Reunião Ordinária do Comitê Central – Comunicado Final – Luanda, April 29, 2003.

¹¹⁰ According to Angolan legislation, protesters must inform authorities of their procedure and objectives within a minimum three days in advance. See Article 6, Lei Sobre o Direito de Reunião e de Manifestação, Lei No. 16/91 (DR No. 20, 1ª. Série) May 11, 1991.

¹¹¹ Human Rights Watch interview with Martinho Carpelto, Communications Secretary of PADEPA, Luanda, August 5, 2003.

¹¹² Article 37 of Angolan Press Law (Lei de Imprensa, No. 22/91, June 15, 1991) guarantees the right to equal reply and to correction of information published in error.

¹¹³ *Desacato e desobediência à lei.*

¹¹⁴ Though *habeas corpus* is an Anglo-Saxon jurisdiction remedy, Angola, like many other countries, has included this principle in its constitution. See, Article 42 (1) Against abuse of power, in case of illegal imprisonment or detention, there is a right to apply for *habeas corpus* by the competent judiciary, by the tribunal itself or any other citizen. [Contra o abuso de poder, por virtude de prisão ou detenção ilegal, há *habeas corpus* a interpor perante o tribunal judicial competente, pelo próprio ou por qualquer cidadão.] (Author's translation).

¹¹⁵ Human Rights Watch interview with Martinho Carpelto, Communications Secretary of PADEPA, Luanda, August 5, 2003.

coalition of eighty-seven small opposition parties, proceeded without any major incidents."¹¹⁶

More recently, however, on June 17, 2004, police reportedly prevented about fifty PADEPA members from staging a demonstration against corruption in front of the monument to Agostinho Neto, Angola's first president, in downtown Luanda."¹¹⁷

VIII. CONCLUSION

While the cessation of hostilities has brought significant relief to Angola and its inhabitants, the country's nascent democratic institutions and civil society are still fragile. Although the imprisonment and harassment of journalists, common between 1999 and 2001, is happening less frequently, constitutionally guaranteed rights, including those of free speech and assembly, are still not universally enjoyed or enforced. Serious violations continue to take place, affecting opposition activists, journalists, and other members of civil society particularly outside of Luanda.

The existing Angolan constitution is an enlightened document that affords its citizens those rights necessary for participation in the democratic process. Yet current restrictions on freedom of information and assembly in Angola undermine the principles of democratic governance. While certain reforms to the current law would be desirable, what is required is the proper implementation of the existing laws. This may be seen in the area of freedom of association, where government supporters and agents resort to measures that are clearly illegal (and often brutal) in silencing their opponents. It may be seen in the area of freedom of expression, where the judicial system fails to meet its duty of impartiality in imprisoning journalists and ruling in favor of complaints brought by government officials on dubious grounds. And it may be seen in the area of freedom of association, where the laws guaranteeing the right to free peaceful assembly are often ignored by the authorities.

Restrictions on free speech on the grounds of national security must only be invoked under the stringent criteria of international jurisprudence and the treaties to which Angola is a party. Freedom of information should be guaranteed to allow every individual to obtain records and information held by the executive, the legislative, and the judicial branches of government, as well as any state-owned enterprises or others in charge of public functions.

While Angolan institutions and civil society have the responsibility of creating

¹¹⁶ See, "Angola Marches Press for Poll," BBC News, October 4, 2003.

¹¹⁷ Lusa news agency, June 2004.

and protecting these freedoms, they need the support of the international community to promote the rights of expression and assembly in Angola, and also to call attention to the frequent violation of these internationally guaranteed rights.

VI. ACKNOWLEDGMENTS

This report was written by Nadejda Marques and Justin Pearce, Angola researchers, with research material also supplied by Alex Vines, senior researcher in the business and human rights division of Human Rights Watch, and consultant Paula Roque. It was edited by Peter Takirambudde, Executive Director of the Africa Division, Wilder Tayler, Legal and Policy Director, and Iain Levine, Program Director. This report also benefited from the comments of James Cavallaro of the Human Rights Program at Harvard Law School and the assistance of the Harvard Law Student Advocates for Human Rights. Kate Fletcher and Colin Relihan, associates in the Africa Division, provided significant production assistance and coordination.

Human Rights Watch would like to thank the following individuals and organizations for their assistance and cooperation: Associação Justiça, Paz e Democracia, Maria Lúcia da Silveira, Oxfam and Trocaire-Angola. Human Rights Watch would also like to thank all those who provided information for this report or responded to our requests for interviews. We also wish to express our appreciation to Novib for its support of this research and publication.

