

Document #2028262

AI – Amnesty International

Human Rights in Africa: Review of 2019 - Angola [AFR 01/1352/2020]

Freedom of expression and peaceful assembly continued to be undermined, despite the initial signs of progress. Land disputes due to large scale acquisition for private use continued to undermine the right to food and water in rural parts of the country. Failure to fulfill the right to water in both rural and urban areas remained as significant as ever. Extrajudicial killings in the diamond fields of Lunda Norte and Lunda Sul continued with impunity. The rights of LGBTI people remained at risk in practice despite legislative improvements.

Background

The beginning of João Lourenço’s presidency was buoyed by a palpable air of hope and optimism about the prospects for human rights protection in the country. Under his administration Angola saw some positive developments, including several peaceful protests held without repression, the acquittal of two journalists charged with defaming a public figure, and the Supreme Court’s reversal of wrongful sentencing by a provincial court. However, challenges remained. The rights to freedom of expression and peaceful assembly remained under threat. Public and private security forces engaged in extrajudicial killings of suspected illegal diamond miners in the provinces of Lunda Norte and Lunda Sul. While LGBTI rights enjoyed better protections in the legislation, in practice people in consensual same-sex relations continue to face discrimination.

The increase in the oil price on the international market has not made a dent on the ongoing economic crisis that continued to sustain popular discontent with the ruling party, the People’s Movement for the Liberation of Angola (MPLA), particularly among youth. The current economic crisis continued to inform the government’s development model which emphasizes large-scale land acquisition for private investment, putting livelihoods and the right to food at risk in rural communities.

Freedoms of expression and peaceful assembly

The police and security forces continued to carry out arbitrary arrests and detentions. Many of the cases of arbitrary arrest, detention, torture and other ill-treatment were against peaceful demonstrators, but security forces also targeted individuals who were not involved in the demonstrations.

Between 28 January and 1 March, the security forces arbitrarily arrested 62 people, including activists from the Independence Movement of Cabinda (*Movimento Independista de Cabinda* – MIC) and their family members and colleagues.^[1] Their arrest and detention were in connection with their involvement in a peaceful protest held on 1 February to mark the 134th anniversary of the signing of the Treaty of Simulambuco.^[2] On 27 February, the Cabinda High Court ruled that 51 detainees should remain in detention while 13 others were released provisionally as their arrest at their homes without a warrant had been illegal.

On 1 March, activists and family members of the 51 remaining detainees gathered to protest their continued detention. The police arrived and assaulted the protesters with kicks and punches. The police arrested 11 people without a warrant and released them hours later without charges. Seven of those arrested were hospitalized due to the police beatings.

On 12 September, the police violently repressed a peaceful demonstration and detained 23 protestors during President Lourenço’s visit in the city of Luena, Moxico province. This was despite the fact that the protestors informed Luena authorities about the planned march on 12 September in terms of the law. The demonstrators wanted to send a message to the president about allegations of corruption, bad government and youth unemployment in the province.

On 2 July, seven young people were arrested and detained after protesting lack of water in the city of Lobito, Benguela province. They were subsequently convicted of disobedience of the public order authorities. The court fined them 76,000 Kwanzas (about US\$206) each as a condition of be set free.

Land disputes and the right to food

In rural areas the large-scale acquisition of land for private commercial interests continued with complete disregard for human rights, and without consultation, compensation, and environmental and social impact assessment as national laws require. As a result, and in violation of its national, regional and international obligations, Angola continued to fail to protect communities from land acquisitions that resulted in their inability to produce food for subsistence. This growing trend aggravated food insecurity in rural areas.

In the Gambos municipality, Huila province, traditional pastoralists struggled to survive after the government diverted without due process 67% of their communal grazing land for commercial cattle ranching. This change eroded their economic, social and cultural resilience, most notably food security. With most of their customary grazing land now inaccessible, the pastoralists saw their cattle going hungry, which in turn affected the

production of dairy products on which the pastoralists depend for their daily consumption. Faced with hunger and starvation, they resorted to consuming wild leaves which caused them sickness and had a particularly negative impact on the health of children and older persons.

Right to water

The *Constitution of the Republic of Angola* and the *Water Law* declares that, as a natural resource, water is a public good, the right to which is “inalienable and imprescriptible”.^[3] However, contrary to both this provision and Angola’s international human rights obligations, access to drinking water – in terms of availability, quality and accessibility – remained precarious in both urban and rural areas for large numbers of people.

In rural areas, the development of agribusiness, mining, and oil and gas projects directly hampered access to safe drinking water.^[4] The diversion of water courses and obstructing access to water bodies including rivers, lakes, and springs, by fencing off areas, cut many people’s access to water.^[5] In Lunda Norte, the mining industry has diverted Kwango River away from various communities in Kwango, Xamutemba, and Kapenda Kamulemba municipalities.^[6] Commercial farmers have been allowed to fence off access to rivers, lakes and fountains in Curoca (Cunene), Savate (Kwangan municipality in Kwando Kubango) and Luangundo (Kwando Kubango).^[7] Where natural water sources were still accessible, they were subject to pollution. For example, oil spills in Cabinda and Zaire provinces contaminated water sources, denying communities their rights to water and livelihoods.^[8]

In urban areas, the availability, quality and accessibility of water remained precarious for large segments of the population. Drinking water was mainly both unavailable and of low quality.^[9] In April, the Angolan Public Water Supplier (EPAL) said it was only able to supply on average 500,000 cubic meters of water per day in Luanda, where the real need is over 1 million cubic meters per day for a population of over 6 million people. In Luanda province, the real need is 1.2 million cubic meters of water per day, but EPAL’s capacity was only 516,582 cubic meters per day.^[10] In addition, water supply was discriminatory with priority given to affluent neighborhoods, whereas those on the peripheries received their water from mobile vendors at extraordinarily higher prices.^[11]

Extrajudicial killings in the Lundas

Government and private security forces continued to conduct extrajudicial killings of those suspected of illegal diamond mining. Kwango, Lukapa and Lusage were the most affected with more than 40 people killed by the military in July and August 2019.^[12] In August, 36 people were killed in Kalonda. Although the traditional authorities asked the Angolan government to intervene to stem the killings, no action had been taken by year’s end.^[13]

LGBTI rights

In January, the Angolan parliament adopted a new penal code which decriminalises same-sex relationships. Despite this, LGBTI people continued to face discrimination, intimidation and harassment by both non-state actors and state actors. The authorities failed to protect LGBTI people against homophobic violence and to hold the perpetrators accountable. The justice system has poor infrastructure and lacks adequately trained and qualified personnel, which resulted in cases taking a long time to finalize.^[14]

Authorities have still not arrested anyone in connection with the attack, on 10 July 2018, against Arquivo de Identidade Angolano’s shelter for LGBTI people in need of protection, better known as *No Cúbico*, in Luanda. The shelter was invaded by three men armed with knives, fire guns and a hand hoe.^[15] Five women were sleeping in the bedroom when the break in happened. They heard the men shouting “Where are they? We are going to kill you!”. The women barricaded the door to prevent the men from breaking into their room. After an hour and a half, the men decided to leave, fearing that the police were arriving. Instead of investigating the case to identify the aggressors, the police officers questioned the women and used derogatory terms to describe their shelter, calling it a “prostitution house” because single women lived there.

[1] Amnesty International, *Angola: Sixty-two activists, protesters arbitrarily held*, 12 February 2019, <https://www.amnesty.org/en/documents/afr12/9804/2019/en/> (<https://www.amnesty.org/en/documents/afr12/9804/2019/en/>)

[2] The Portuguese Crown and the Cabinda native authorities signed the Treaty of Simulambuco establishing Cabinda as a Protectorate of the Portuguese Crown.

[3] *Lei de Aguas, nº 6/02, de 21 de Junho*, article 5.2: “O direito do Estado relativo às águas, enquanto recurso natural, é inalienável e imprescritível”; *Constitution of the Republic of Angola*, article 95.

[4] Amnesty International, *Angola: Land, Basic Rights and Freedoms*, 1 March 2019, <https://www.amnesty.org/en/documents/afr12/0185/2019/en/>.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Fernando Paulo Faria, Water policy in Angola: Some notes on water supplies in Luanda and Benguela, *Mulemba: Revista Angolana de Ciencias Sociais* 6 (11) (2016), p. 57-83

[10] *Folha 8*, A falta de agua mostra o mau estado deste estado, 2 April 2019,

<https://jornalf8.net/2019/a-falta-de-agua-mostra-o-mau-estado-deste-estado/>.

[11] *Angop*, Angola: Expert warns of drinking water quality, 20 Sep 2016, http://www.angop.ao/angola/en_us/noticias/sociedade/2016/8/38/Angola-Expert-warns-drinking-water-quality,4526a43e-9c02-4215-aa28-6549f8d6fe79.html (http://www.angop.ao/angola/en_us/noticias/sociedade/2016/8/38/Angola-Expert-warns-drinking-water-quality,4526a43e-9c02-4215-aa28-6549f8d6fe79.html). In March 2019, Amnesty International also interviewed civil society representatives from all over the country in Luanda. The problem of water supply in Angola is widely known and acknowledged.

[12] VOA, Autoridades tradicionais denunciam mortes nas Lundas, 26 August, <https://www.voaportugues.com/a/5057499.html>.

[13] VOA, Autoridades tradicionais denunciam mortes nas Lundas, 26 August, <https://www.voaportugues.com/a/5057499.html>.

[14] Wilson A. Adão, A crise no sistema judicial em Angola, *Club-K*, 04 October 2019, https://club-k.net/index.php?option=com_content&view=article&id=37736:a-crise-no-sistema-judicial-em-angola-wilson-a-adao&catid=17&Itemid=1067&lang=pt.

[15] Arquivo de Identidade Angolano, *Um relato sobre Lesbofobia em Luanda*, 15 August 2018, <https://www.aia-ao.org/single-post/2018/08/15/UM-RELATO-SOBRE-LESBOFOBIA-EM-LUANDA> (<https://www.aia-ao.org/single-post/2018/08/15/UM-RELATO-SOBRE-LESBOFOBIA-EM-LUANDA>)

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ecoi.net summary:

Report on the human rights situation covering 2019



Country:

Angola

Source:

AI – Amnesty International (</en/source/10960.html>)

Original link:

<https://www.amnesty.org/en/countries/africa/angola/report-angola/>
(<https://www.amnesty.org/en/countries/africa/angola/report-angola/>)

Document type:

Periodical Report

Language:

English

Published:

8 April 2020

Document ID:
2028262

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

