



Angola - Researched and compiled by the Refugee Documentation Centre of Ireland on 9 November 2009

Information on the treatment by government forces of persons perceived to have been associated or connected with UNITA forces.

Under the heading 'Political Rights and Civil Liberties', the July 2009 *Freedom House Freedom in the World* report for Angola, states:

"UNITA remains the most significant opposition party facing the ruling MPLA; only three other parties won seats in the National Assembly in 2008. While political violence has decreased significantly since 2002, UNITA leader Isaias Samakuva claims that 13 party members were killed for political reasons in 2006 and 2007, a claim the government denies. Violence increased in the run-up to the latest elections. According to HRW, suspected UNITA supporters in Huambo and Bie provinces were targeted. Local chiefs also faced occasionally violent pressure to prevent UNITA from gathering support. However, the government provided security for opposition rallies around the country." (Freedom House (16 July 2009) *Freedom in the World 2009 – Angola*)

Under the heading 'Background', the *Amnesty International 2009 Annual Report for Angola* states:

"The first legislative elections in 16 years were held in September. They were generally free from violence and other human rights violations, despite some isolated incidents of harassment of political activists in the pre-election period. The main opposition party, the National Union for the Total Independence of Angola (UNITA), initially demanded a re-run of the voting in the capital, Luanda, but eventually accepted the results which saw the ruling People's Movement for the Liberation for Angola (MPLA) win the elections with over 80 per cent of the votes." (Amnesty International (28 May 2009) *Amnesty International Report 2009 – Angola*)

Section 3 of the *United States Department of State 2008 Country Report on Human Rights Practices for Angola*, under the heading 'Elections and Political Participation', states:

"Opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the ruling party. For example, prior to the September elections, the UNITA municipal secretary in Benguela Province reported that a member of his party was beaten for wearing a UNITA T-shirt in the town of Ganda during election campaign period. On August 10, MPLA members harassed UNITA members in Namibe town center when they tried to hang UNITA party flags on lamp posts in the town square. UNITA campaign materials also regularly were torn down in Huambo

Province.” (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices: Angola*)

A September 2008 report from *Human Rights Watch* adds:

“A UNITA party official told Human Rights Watch that a group of men used sticks and stones to attack party members during a UNITA public meeting in Kipeio (Ekunha municipality) in Huambo province on August 13. One woman had to be hospitalized, and others sustained less serious injuries. Credible sources told Human Rights Watch that the attackers had vowed: “If UNITA comes back, we’ll do this again.”

UNITA officials told Human Rights Watch that, despite the fact that the police intervened promptly, to date, neither the police nor prosecutors have taken action to bring the perpetrators to justice.

In Benguela province, UNITA representatives said their members were stoned by youth on August 23. In the village Chico da Waiti (Macambobolo commune, Balombo municipality), a large group of youth threw stones at a delegation of 40 UNITA members, including two members of parliament and the provincial vice-governor, injuring eight people and damaging cars. Police was escorting the delegation and removed tree trunks which had been placed across the road to block their arrival.” (Human Rights Watch (15 September 2008) *Angola: "Irregularities Marred Historic Elections"*)

An *IRIN News* report from August 2008 continues:

“HRW conducted research in the Angolan capital, Luanda, the Cabinda enclave, and the central provinces of Huambo, Bie and Benguela, between March and June 2008, and found the government was “failing to fully ensure the right to free elections, and other rights critical to a fair poll, including the freedoms of expression and assembly”.

The rights body said incidents of political violence were occurring, mainly in the country’s rural areas, which had been fiercely contested during the three decades of civil war between the MPLA and UNITA.

“Patterns of violence include sporadic assaults by local MPLA supporters, sometimes involving traditional authorities and local MPLA leaders, against local UNITA party members and their property and party symbols,” the HRW said. Traditional leaders in the provinces were also increasingly being targeted by the MPLA in a bid to thwart UNITA’s political activities.

Citing an example of this trend, the HRW said: “On May 30 (2008), a group of 30 MPLA supporters beat the traditional leader, Pedro Pomba, in the village of Bongue Kandala [Kapupa commune, Cubal Municipality, Benguela] together with five UNITA members, on the grounds that he allowed a UNITA flag to fly in the village two days before.” (IRIN News (25 August 2008) *ANGOLA: How free will the elections be?*)

The *Human Rights Watch* report referred to in the IRIN News report above, under the heading 'Political intimidation and violence' states:

"In Huambo, Bie and Benguela, traditional leaders have increasingly come under pressure from the MPLA to prevent UNITA developing party activities in villages, according to credible reports given to Human Rights Watch. For example, Human Rights Watch found that on May 30, a group of 30 MPLA supporters beat the traditional leader Pedro Pomba in the village of Bongue Kandala (Kapupa commune, Cubal municipality, Benguela), together with five UNITA members, on the grounds that he allowed a UNITA flag to fly in the village two days before.

A member of the Catholic Church's Justice and Peace Commission, which has been documenting political violence for several years, told Human Rights Watch in March:

"Traditional authorities have to do now what the MPLA says. Not all do this willingly, but he who resists 'loses his bread'."

Human Rights Watch also received credible reports that local MPLA supporters are intimidating civil society groups monitoring cases of political violence. Another member of the Justice and Peace Commission said:

"If we say the truth, we are accused of being on the side of UNITA."

Human Rights Watch said the authorities' failure to investigate and prosecute ruling party supporters sends the wrong message, because the government should ensure all such allegations are investigated and perpetrators prosecuted regardless of political affiliation." (Human Rights Watch (13 August 2008) *Angola: Doubts Over Free and Fair Elections*)

This report continues:

"The government of Angola repeatedly delayed the establishment of a constitutional court to deal fairly and speedily with complaints, as required by the SADC Guidelines. The task of legal oversight of the process was left far too long with the Supreme Court, which had a record of procedural delays that have disadvantaged the opposition parties. For example, the Supreme Court took three years to respond to constitutional complaints lodged by UNITA in 2005 regarding several electoral laws. In addition, the court failed to respond to repeated requests from opposition parties to clarify criteria on how to document their application to stand in the elections. This has contributed to delays in approving which political parties are eligible to stand and in distributing state funds for campaigning. A constitutional court was finally established on June 25, 2008. It has so far developed a positive professional record in dealing with electoral concerns." (ibid)

Section 3.8 of the June 2009 *United Kingdom Border Agency Operational Guidance Note for Angola*, under the heading 'Members of UNITA' states:

3.8.1 "Some applicants will apply for asylum based on ill-treatment amounting to persecution at the hands of the state authorities due to their membership of, involvement with, or perceived involvement with, the main political

opposition group National Union for the Total Independence of Angola (UNITA).

3.8.2 Treatment. Between the declaration of independence in November 1975 and April 2002, UNITA and the MPLA continued a bitter conflict for control of the country. During the conflict, UNITA comprised at least two major groups; in addition to which there were also known sympathisers. The main distinction was between the military wing, led by Jonas Savimbi, and those who formed the parliamentary wing UNITA-Renovada (UNITA-R). During the reconciliation process in 2002-3, which saw UNITA's transition to an unarmed political opposition group, UNITA-R ceased to exist. The demobilisation of UNITA ex-combatants was successfully completed on 30 July 2002. Following the cessation of the civil war, there were no reports that UNITA committed human rights abuses. In October 2004, the disarmament and re-integration of more than 97,000 former UNITA rebel fighters was fully completed with most ex-combatants receiving five months' salary, demobilisation kits and discretionary payments.

3.8.3 The return of demobilised UNITA soldiers to their home provinces in some cases resulted in violence directed against them. Such violence reportedly prompted around 2,000 former UNITA soldiers to leave a municipality in Moxico province in mid-July 2004 when local residents protested against the return of a former UNITA general who had been involved in war atrocities. UNITA raised concerns in 2004 over increased incidents of intimidation of its members by individuals allegedly belonging to MPLA militia groups. During 2003-4, UNITA complained repeatedly about persecutions, intimidations and violence perpetrated against its officials in various provinces and municipalities in the interior of the country. During a meeting on 15 July 2004, the MPLA and UNITA agreed to coordinate efforts to curb such acts. A common mission from both parties would visit affected areas in order to investigate alleged incidents.

3.8.4 Some incidents of politically motivated violence continue to be reported and in 2008 opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the MPLA. In August 2008, for example, MPLA members reportedly harassed UNITA members in Namibe town centre when they tried to hang UNITA party flags on lamp posts in the town square. Opposition party members and civil society leaders have also cited examples of political intolerance during the election process. (United Kingdom Border Agency (1 June 2009) *Operational Guidance Note: Angola*, p.7-8)

The report goes on to say:

“3.8.9 Conclusion. In light of the ending of the civil war between the MPLA and UNITA in April 2002, UNITA's peaceful transition from armed opposition group to a major political party and the successful completion in 2004 of the disarmament and reintegration programme for ex-combatants, there is no evidence that members of UNITA, or ex-UNITA combatants are at real risk of ill-treatment amounting to persecution by the state authorities. In 2003 and 2004, there were occasional reports of localised disputes about the re-integration of ex-combatants, however, there is no evidence that the treatment generally suffered by UNITA members amounts to persecution within the terms of the 1951 Convention. A grant of asylum will not therefore

generally be appropriate for claims that cite persecution on account of membership of, or association with, UNITA. Applications under this category are likely to be clearly unfounded and as such should be certified.

3.8.10 Case owners should note that members of UNITA have been responsible for serious human rights abuses. If it is accepted that an applicant was an active operational member or combatant for UNITA and the evidence suggests that he has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Case owners should refer all such cases within this category to a Senior Caseworker in the first instance." (ibid, p.8)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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