

ANGOLA'S UPCOMING ELECTIONS

Attacks on the Media, Expression, and Assembly



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ISBN: 1-56432-924-0

Printed in the United States of America

Cover design by Rafael Jimenez

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Introduction

On August 31, 2012, Angola will hold its second parliamentary elections since the end, in 2002, of the decades-long civil war. As the official election campaign starts in August, one month before the elections, the human rights environment is hardly conducive for free, fair, and peaceful elections. This paper highlights the key human rights concerns ahead of the elections, and makes recommendations to the government of Angola, the Southern African Development Community, and the diplomatic community in Angola.

Recommendations

To the Government of Angola

Regarding Acts of Political Violence and Intimidation

- Fully respect the right to peaceful assembly in accordance with Angolan and international human rights law, in particular the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure that all allegations of unlawful use of force, intimidation, abductions and forced disappearance are investigated promptly and impartially, and that those responsible are appropriately disciplined or prosecuted, regardless of rank or title;
- Ensure that anyone arrested or detained is provided full due process rights, including freedom from torture or ill-treatment, prompt access to a lawyer and family members, promptly brought before a judge, and tried in accordance with international fair trial standards;
- Ensure that all members of the security forces, including agents of the police and the domestic intelligence services, always act professionally, impartially and without partisanship.
- Promptly investigate the possible enforced disappearance of protest organizers Isaías Cassule and António Alves Kamulingue, and inform their families and the public of the results of the investigation.

Regarding Free Speech and the Media Freedom

- Immediately act to prevent further intimidation and harassment of journalists and activists, ensure that such incidents are promptly investigated and perpetrators held to account;
- Ensure equal access for all political parties to the state media beyond the specific airtime assigned by law to each of them during the official election campaign;
- Ensure that state-owned media do not broadcast messages that encourage political violence and promote limits on the rights to peaceful assembly and free expression;

- End the practice of forcing persons in custody or elsewhere to make false statements on state-owned media;
- Drop politically motivated charges against journalists and others for crimes against the security of the state under article 25 of the 2010 national security law, and revise the law so that it is in conformity with international standards regarding the rights to free expression and peaceful assembly.

To the Southern African Development Community (SADC)

- Call on the government of Angola to fully respect media freedom and the rights to freedom of expression and peaceful assembly under the Southern Africa Development Community guidelines for free and fair elections.

To the Diplomatic Community in Angola

- Call on the government of Angola to fully respect media freedom and the rights to freedom of expression and peaceful assembly as being necessary for free, fair, and credible elections;
- Call on the government of Angola to immediately release peaceful protesters who have been arbitrarily detained, promptly investigate acts of politically motivated violence and intimidation against such individuals, and discipline or prosecute as appropriate those responsible for rights abuses regardless of rank or title.

Background

In recent years until July 2012, journalists, civil society activists and others seeking to express their opinions or criticize government authorities have been harassed, threatened and physically attacked. Police and plainclothes security agents have forcibly dispersed anti-government protests, beating and arresting peaceful demonstrators, organizers, and opposition politicians, and obstructing and intimidating journalists.

The ruling Popular Movement for the Liberation of Angola (MPLA), which has been in power since independence in 1975, won a landslide victory in the last elections, held in September 2008. That was the first time, since 1992, that Angolans had the opportunity of exercising their right to elect their representatives. The 2008 vote failed to meet regional and international standards for free and fair elections.¹ Separate presidential elections did not take place in 2009 as planned, and were eliminated altogether under the 2010 constitution, which provides that the leader of the party with a parliamentary majority becomes the president. President José Eduardo Dos Santos, one of the world's longest serving leaders, has been in power for 33 years.

One month to the 2012 elections, key concerns in the 2008 elections remain unaddressed. These included the lack of impartiality of the National Election Commission, ruling party bias and restrictions on the media more generally, political violence and intimidation of opposition parties that limited their ability to campaign in the months leading up to the elections, particularly in rural areas of Angola's interior, and a climate of repression in the oil-rich enclave of Cabinda where a separatist conflict remains unresolved.²

Between 2008 and now, the ruling party has further consolidated its control over of the nation's political space. Although the 2010 constitution guarantees the rights to freedom of expression, peaceful assembly and freedom of the media, the government

¹ Human Rights Watch, Angola- Democracy or Monopoly? Angola's Reluctant Return to Elections, February 2009, <http://www.hrw.org/reports/2009/02/23/democracy-or-monopoly-o>; see also, European Union Electoral Observer Mission Angola, "Final Report, Parliamentary Elections 5 September 2008," September 25, 2008, at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf.

² Human Rights Watch, Angola- Democracy or Monopoly? Angola's Reluctant Return to Elections, February 2009, <http://www.hrw.org/reports/2009/02/23/democracy-or-monopoly-o>.

has increasingly restricted these rights through a combination of restrictive legislation, delays in passing legislation that would enable privately owned and community radio stations to operate in Angola's interior, censorship and self-censorship in the state-owned and private media, most of which are controlled by the ruling party, politically motivated prosecutions and intimidation of independent journalists and civic activists, and a crackdown on peaceful anti-government demonstrations.

Despite this restriction on freedom of expression, the internet and social media have become important alternative vehicles of expressing dissenting opinions. Since early 2011, a non-partisan youth movement inspired by the Arab Spring and organized via social media has organized a series of protests against rampant corruption, widespread poverty, lack of access to social services and the increasing restriction of freedom of expression under President Dos Santos' rule.

Since June 2012, another set of non-partisan protests has gained momentum, this one staged by former soldiers from all the former armed movements in Angola's decades-long civil war. Thousands of war veterans have participated in demonstrations to publicize their grievances over unpaid pensions and other benefits.

The government has responded to those protests – despite their relatively small scale – with excessive use of force, arbitrary arrests, unfair trials, obstruction and intimidation of journalists and other observers. Increasingly the security forces have used unnecessary lethal force against protesters and organizers.

The main perpetrators of violence during protests have been groups of armed individuals, who act with complete impunity, and appear to be security agents in civilian clothes. Since March 2012, the threats and armed attacks against protest leaders by these plainclothes security agents – who are known in Angola as “*caenches*” (“muscle men”) or “militia” – have increased and appear to be systematic. They included attacks against protesters in their private residences, abductions, and possible enforced disappearances.³

³ “Angola: Violent Crackdown on Critics,” Human Rights Watch news release, April 2, 2012, <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics>.

Before the 2008 elections, incidents of political violence were most common in rural areas of Angola's interior provinces that had been most affected by civil war, and targeted supporters of the Union for the Total Liberation of Angola (UNITA), the main opposition party and former armed rebels. Human Rights Watch documented a number of such incidents in the run-up to the 2008 elections.⁴ Recent incidents in the interior of Huambo and Benguela show that the pattern of political violence and intimidation remains unaltered in the run-up to the 2012 elections.⁵ Since 2011, however, an increasing number of such incidents of politically motivated violence have occurred in urban areas, particularly in the populous peripheral areas of the capital, Luanda, home to one-third of Angolan voters, targeting non-partisan expressions of dissent in public protests.

In Angola's oil-rich enclave of Cabinda, where an armed separatist movement remains active despite a 2006 peace agreement, the climate of repression continues to inspire particular concern. In 2010, there was a wave of arbitrary detentions and convictions of civil society activists following the armed attack against Togolese footballers during the Africa Cup of Nations in Cabinda that January.⁶ All detainees were released in December 2010, following a review of the national security law under which they had been convicted.

However, in June 2012, the state-owned daily *Jornal de Angola* published a series of articles in which former Liberation Front of the Enclave of Cabinda (FLEC) fighters accused several prominent members of civil society of providing financial support to the separatist guerrillas.⁷ Local authorities in Cabinda confirmed to Human Rights Watch that they have evidence that all those who were previously convicted, as well as other former members of the civic association of Cabinda, Mpalabanda, were in fact cooperating with groups of armed separatists.⁸ These assertions raise concerns that the authorities may be planning a new wave of detentions in Cabinda targeting civil society activists viewed as prominent critics of the government, before

⁴ Human Rights Watch, Angola- Democracy or Monopoly? Angola's Reluctant Return to Elections, February 2009, <http://www.hrw.org/reports/2009/02/23/democracy-or-monopoly-o>.

⁵ Two Angolan investigative journalists documented three serious incidents in July 2012 on the anti-corruption blog Maka Angola. Rafael Marques and António Capalandanda, "Fatal Victims in Clashes Between UNITA and MPLA", July 21, at <http://makaangola.org/2012/07/mortes-em-confrontos-entre-militantes-da-unita-e-do-mpla/?lang=en>.

⁶ "Angola: Quash Convictions of Cabinda activists," Human Rights Watch news release, August 5, 2010, <http://www.hrw.org/news/2010/08/05/angola-quash-convictions-cabinda-activists>.

⁷ As an example: "Antigo ministro da FLEC acusa colegas de corrupção", *Jornal de Angola*, June 4, 2012, at http://jornaldeangola.sapo.ao/27/o/antigo_ministro_da_flec_acusa_colegas_de_corrupcao

⁸ Human Rights Watch interview with the provincial police commander, Eusébio Domingos de Almeida e Costa, and the provincial director of the criminal investigation police, António Oliveira da Silva, Cabinda, June 20, 2012.

or after the August 31 elections. The authorities banned the organization Mpalabanda in 2006, and the Supreme Court has never ruled on an appeal against the ban filed by the group.

Recent Abuses against Peaceful Demonstrators and Activists

Since 2009, Human Rights Watch has documented the regular disruption by Angolan security forces of demonstrations organized by different entities to protest a variety of grievances, including demolitions and forced evictions in Luanda, arbitrary detentions in Cabinda, corruption, pension claims, and other issues. Many of these protests were announced in advance, as required by Angolan law, and were peaceful. The following incidents typify, but are not a comprehensive overview of, the numerous attacks on peaceful protests documented by Human Rights Watch.

- **On July 14, 2012**, police briefly detained 11 young activists and two Angolan journalists – Coque Mukuta, a stringer for the Portuguese language service of Voice of America, and Isaac Manuel, a journalist for the Portuguese state television Radio Televisao Portuguesa (RTP) – at a peaceful youth protest against President Dos Santos at Luanda’s São Paulo market. The protest organizers did notify the authorities in advance. Instructively, the police did not act against participants in a pro-Dos Santos rally taking place at the same time. In statements posted on the internet, two activists said that some of the detainees were mistreated by police agents, and were interrogated about their alleged links to opposition parties.⁹ Despite pressure on detainees while in detention, they refused to make statements that the protests were organized by the opposition on the state-owned television station, TPA, or on TV Zimbo, a private television station owned by senior officials close to the presidency.¹⁰
- **On June 20**, at least 50 war veterans were arrested during a spontaneous demonstration through the city center of Luanda to claim long overdue pensions and social benefits. While a number of them appear to have been released, at least 28 remain in pre-trial detention at this writing. After a previous protest by war

⁹ Interview of Alexandre Neto Solombe with Rosa Mendes, www.youtube.com/watch?v=lb_exo-QtFE&feature=related, and with Pedro Malembre, at www.youtube.com/watch?v=1bXPgB_Otv8&feature=relmfu, Luanda, July 15, 2012.

¹⁰ Ibid.

veterans on June 7, the authorities had promised to address their claims promptly, but have failed to do so.¹¹

- **On May 27 and May 29**, Isaías Cassule and Antonio Alves Kamulingue, organizers of a former presidential guards protest joined by war veterans, disappeared after a rally organized in Luanda on May 27. They called the rally to protest the non-payment of overdue salaries of presidential guards and pensions of war veterans. A witness told Human Rights Watch that Isaías Cassule was abducted by unknown men on May 29. Family members told Human Rights Watch they have not heard from them since and that the police refused to investigate their whereabouts and what happened to them.¹²
- **On March 10**, a dozen plainclothes security agents carrying wood and metal clubs, knives and pistols, attacked a crowd of 40 demonstrators and a number of bystanders in Luanda’s Cazenga neighborhood, severely injuring three protest organizers. On the same day, security agents in plainclothes attacked two politicians of the opposition party Bloco Democrático in Luanda’s city center, while in Benguela police dispersed a crowd of around 60 peaceful protesters and arrested a protest organizer, a human rights activist, and a bystander. A court convicted the three on March 17 and sentenced each to 45 days in prison on charges of disobedience and aggression of police agents.¹³
- **On February 4**, police cracked down on a protest of the health workers’ union in Cabinda and briefly detained 21 strikers. The day before, police had dispersed a crowd of about 50 youth and family members of eight protesters who had been jailed during a peaceful protest by residents in Luanda’s Cacuaco neighborhood on January 27, and arrested another 10 protesters. While those ten protesters were released on the same day, the eight protesters detained on February 4 were sentenced to 90 days in prison but were later released on US\$400 bail.¹⁴

¹¹ “Angola: Protestors Detained, Disappeared,” Human Rights Watch news release, July 5, 2012, <http://www.hrw.org/news/2012/07/05/angola-protesters-detained-disappeared>.

¹² Ibid.

¹³ “Angola: Violent Crackdown on Critics,” Human Rights Watch news release, April 2, 2012, <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics>.

¹⁴ Ibid.

- **On December 3, 2011**, police and plainclothes security agents forcibly dispersed a peaceful rally of about 100 youth in Luanda’s Cazenga neighborhood and city center, and injured at least 14 protesters, one of them seriously.¹⁵
- **On September 3, 2011**, police agents and security agents in plainclothes forcibly dispersed a crowd of several hundred youth protesters at Luanda’s Independence Square. Police arrested more than 40 protesters, 18 of whom were later convicted and sentenced to between 45 and 90 days in prison for aggression against police agents. Police also arrested a number of protesters and bystanders in front of the police court during the hearings, but the charges against the detainees were later dropped.¹⁶
- **Since the March 7, 2011** youth movement protest ¹⁷ calling on President Dos Santos to resign, threats and attacks have not just occurred during demonstrations. Organizers of the youth protests have also received death threats by phone and text message, and have been targets of abductions and beatings in their homes and elsewhere by unknown assailants.

Harassment, Threats, and Intimidation of Journalists

Journalists have been regularly arrested, detained, and questioned by the authorities while trying to cover the protests in Luanda and elsewhere over the past year.

While no suspicious killing of a journalist has been reported since 2010, independent journalists and civil society activists frequently allege that they receive threats against their physical integrity delivered directly – via anonymous phone calls or phone text messages – or indirectly – through open or veiled warnings to family members, or by attacks on their residences. They also say that periods of more open threats alternate with

¹⁵ “Angola: End Violence Against Peaceful Protests,” Human Rights Watch news release, December 7, 2011, <http://www.hrw.org/news/2011/12/07/angola-end-violence-against-peaceful-protests>.

¹⁶ “Angola- Stop Repression of Anti-Government Protests,” Human Rights Watch news release, September 5, 2011, <http://www.hrw.org/news/2011/09/05/angola-stop-repression-anti-government-protests>; “Angola: Free Demonstrators Unfairly Convicted,” Human Rights Watch news release, September 14, 2011, <http://www.hrw.org/news/2011/09/14/angola-free-demonstrators-unfairly-convicted>.

¹⁷ “Angola: Intimidation Campaign to Stop Protest,” Human Rights Watch news release, March 9, 2011, at <http://www.hrw.org/news/2011/03/09/angola-intimidation-campaign-stop-protest>.

offers from government officials to “cooperate.” However most of the journalists do not speak about such offers publicly out of fear of reprisals or loss of their job.

In one recent incident on June 10, 2012, unknown individuals entered the residence of José Manuel Gimbi, a human rights lawyer and the Voice of America correspondent in the enclave of Cabinda, while he was not at home. The attackers ransacked the house and stole laptops, hard drives, and documents linked to his work. Gimbi has been repeatedly targeted for his work for several years. On October 28, 2011, unknown armed individuals with walkie-talkies threatened Gimbi's children at his residence during his absence and were heard threatening him with unspecified harm. Police investigations into both incidents remain inconclusive, and local police officials recently told Human Rights Watch they doubted the occurrence of the incidents.¹⁸

On several occasions between April 27 and 30, 2012, unknown individuals tried to assault the residence of Coque Mukuta in the Cazenga neighborhood in Luanda. Mukuta, now working for Voice of America, has been reporting extensively about anti-government protests in Luanda for the privately owned Rádio Despertar in Luanda, a radio station close to the opposition party UNITA, and has co-authored a book on the topic, which was published in March 2012 in Brazil. Previously, on March 20, Mukuta received handwritten threats directed at him at home. The threats were on a pamphlet signed by an alleged youth group for the defense of peace in Luanda’s Cazenga neighborhood.¹⁹ Mukuta said that police deployed some agents for his protection, but the police investigation into the threats remains inconclusive to date. On June 14, police briefly detained Mukuta and confiscated his work material while he was covering a protest rally in Luanda, and police and plainclothes security agents interrogated him on his work for Voice of America.

In September and October 2010, two journalists of the Luanda-based Rádio Despertar, a radio station close to the opposition party UNITA, were attacked by unknown men. On September 5, the Rádio Despertar journalist Alberto Tchakussanga was shot dead in his home. On October 22 the radio satirist António “Jojó” Manuel was stabbed in the street but survived. Both ran popular programs critical of the government and had previously received anonymous death threats. At this writing police investigations remain

¹⁸ Human Rights Watch interview with provincial director of the criminal investigation police, Cabinda, June 20, 2012.

¹⁹ “Angola: Violent Crackdown on Critics,” Human Rights Watch news release, April 2, 2012, <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics>.

inconclusive. As “Jojó,” who meanwhile abandoned his job at Rádio Despertar, told Human Rights Watch, the police mainly focused the investigation on his private life, despite the fact that he had started receiving death threats via phone text message once a week on the day of his radio program, three months before the attack.²⁰

Pending Criminal Charges against Journalists

The 2006 Press Law and the criminal code provide criminal penalties for defamation and similar offenses. Since 2007, there have been a number of criminal defamation lawsuits against journalists for criticizing government officials. While most cases have been pending for years, only a few have gone to trial, and only one journalist – the VOA stringer Armando Chicoca – was convicted in 2011 for defamation in an unfair trial.²¹ He was later released on bail and has since awaited his appeal. Nevertheless, frequent threats of criminal defamation lawsuits by senior officials have considerably contributed to self-censorship.

Most current pending lawsuits against journalists are targeted against William Tonet, director of the private weekly newspaper *Folha 8*, a lawyer, and currently a candidate for the opposition party coalition Broad Convergence for Angola's Salvation – Electoral Coalition (CASA-CE). The lawsuits were filed by a broad range of senior government and army officials. Tonet was charged for “publication of false news”, “abuse of press freedom”, and defamation. On October 10, 2011, a court imposed a one-year suspended sentence on Tonet for defaming four senior government officials. He was also ordered to pay \$100,000 in damages, a sum believed to be unusually high. Tonet’s appeal was pending as of July 2012.

On March 12, the criminal investigation police raided *Folha 8*'s office and confiscated the paper's equipment including computers and computer hard disks. The police presented a search warrant based on alleged charges, against the newspaper, of “outrage against the president,” a crime according to the 2010 Law on Crimes against the Security of the State. The charges were based on a photo cartoon circulating on the internet and republished in the paper in December 2011, in which the president and two senior officials were depicted as thieves.

²⁰ Human Rights Watch interview with António Manuel “Jojó” in Luanda in November 2010.

²¹ Angola: Free Journalist Jailed for Reporting on Judge,” Human Rights Watch news release, March 16, 2012.

Human Rights Watch supports the abolition of criminal defamation laws because criminal penalties are always disproportionate punishments for reputational harm. Civil defamation and criminal incitement laws are sufficient for the purpose of protecting people's reputations and maintaining public order and can be written and implemented in ways that provide appropriate protections for freedom of expression.

Government of Angola's Response

Since 2011, Angolan authorities have denied using unlawful force against peaceful protests.²² They have justified the crackdowns as necessary to uphold peace and national reconciliation after decades of civil war.²³ They claim that dissident youth groups were responsible for the violence, and that the police were investigating the allegations.²⁴

Human Rights Watch research indicates that the purported police investigations had failed to result in any prosecutions of those implicated in violence against protesters. This was despite victims having filed numerous complaints with the police regarding excessive use of force at demonstrations, death threats via phone and text messages, abductions, and raids on private residences to beat protesters and ransack documents. On the contrary, victims and independent observers of acts of violence during anti-government rallies told Human Rights Watch that police agents deliberately remained passive towards the aggressors and failed to provide protection to peaceful protesters.

Tacit government endorsement of the attacks was also evident in March 2012 when the state television aired anonymous threats of an alleged group of citizens who claimed responsibility for the violence against anti-government protesters.²⁵ Also, since June 2012 state security agents have forced several protesters in custody to make false declarations incriminating opposition parties on state television.²⁶

²² As stated by the general commander of the Angolan National Police, Commissioner Ambrósio de Lemos, in "Polícia angolana assegura que não há milícias em Luanda," Deutsche Welle, May 25, 2012.

²³ See, for example, the statement of the minister of foreign affairs, in "Georges Chicoti alerta para risco de "conflito incontrolável"," Lusa, September 14, 2011.

²⁴ As stated in a Human Rights Watch meeting with senior Interior Ministry officials in Luanda, July 3, 2012.

²⁵ "Angola: Violent Crackdown on Critics," Human Rights Watch news release, April 2, 2012, <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics>.

²⁶ "Angola: Protestors Detained, Disappeared," Human Rights Watch news release, July 5, 2012, <http://www.hrw.org/news/2012/07/05/angola-protesters-detained-disappeared>.

The role of the security forces in attacks on peaceful protesters, protest organizers and activists, committed with total impunity, raises serious concerns about the environment for free, fair, and peaceful elections in Angola.

Human Rights Watch urges the Angolan government to fully respect freedom of peaceful assembly and ensure that its security forces act impartially. The government should promptly investigate all allegations of unlawful use of force and prosecute those responsible for abuses. And it should provide demonstrators protection from attack and ensure that due process rights of anyone detained are respected. The Angolan government should also guarantee full respect of media freedom, act to investigate and prevent further intimidation and harassment of journalists, and ensure impartiality of the state-owned media.

Angola's Upcoming Elections

Attacks on the Media, Expression, and Assembly

As the official election campaign starts one month ahead of Angola's elections on August 31, 2012, the human rights environment is hardly conducive for free, fair and peaceful elections. In this paper, "Angola's Upcoming Elections: Attacks on the Media, Expression, and Assembly" Human Rights Watch highlights key human rights concerns and recommendations ahead of upcoming elections.

Since 2011, there have been increasing incidents of political violence in the capital, Luanda. Journalists, civil society activists, and others seeking to express their opinions or criticize the government of President José Eduardo dos Santos have been harassed, threatened, and physically attacked. Police and plainclothes security agents have forcibly dispersed anti-government protests, beating and arresting peaceful demonstrators, organizers, and opposition politicians, and obstructing and intimidating journalists. Most attacks have been perpetrated by plainclothes individuals believed to be security agents acting with total impunity.

Human Rights Watch urges the Angolan government to fully respect freedom of peaceful assembly and ensure that its security forces act impartially. The government should promptly investigate all allegations of unlawful use of force and prosecute those responsible for abuses. And it should provide demonstrators protection from attack and ensure that due process rights of anyone detained are respected. The Angolan government should also guarantee full respect of media freedom, act to investigate and prevent further intimidation and harassment of journalists, and ensure impartiality of the state-owned media.