



published by:  
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AI Index: AFR 12/005/2007

# **Above the Law**

## Police Accountability in Angola

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*“I said to them, ‘Could it be that there are no laws in this country? You are police. You should protect the law, but you are breaking it.’”*

A victim of forced evictions in Soba Kapasa, speaking in February 2007.

# Introduction

**F**or many years the conduct of the police in Angola has resulted in serious human rights violations. As far as Amnesty International is aware, few cases are investigated and hardly any officers are brought to justice as perpetrators of human rights violations. On a number of occasions Amnesty International has requested information from the Angolan authorities concerning steps taken with regards to reported cases of human rights violations by the police, but with no response.

The conflict that raged from independence in 1975 to April 2002 greatly disrupted the development of the police. In 2003 the Angolan National Police launched a 10-year Modernization and Development Plan, aimed at equipping the police with the resources and skills required to operate as a professional police force in a climate of peace. Since then there have been some improvements in police conduct, including a decrease in the number of arbitrary arrests and detentions, and in reported cases of torture and of extrajudicial executions of criminal suspects. Furthermore, human rights training is now part of the police training curriculum.

However, Amnesty International continues to receive information about human rights violations perpetrated by police officers and about police impunity – the failure to bring people responsible for crimes under international human rights law to justice, to establish the truth and to ensure victims receive full reparation. The only exception appears to be the prosecution and conviction of a police officer on 8 August 2006 for a killing that occurred on 1 January 2005.<sup>1</sup> Amnesty International believes that the ongoing impunity enjoyed by the police for human rights violations points to certain deficiencies in policing practice and, in particular, the absence of an effective police accountability system.

This report documents cases of human rights violations by the police in Angola between 2005 and 2007, which reveal a pattern of police abuse of power and the consistent failure to bring perpetrators of human rights violations to justice. It seeks to highlight the deficiencies in Angolan police accountability that contribute to, and exacerbate, these violations. The report concludes with recommendations for the improvement of police policies and practice, which, if fully implemented, would significantly contribute to a reduction in human rights violations by the police.

The report is based on information obtained during visits to Angola in May 2003 and February 2007. The information obtained during the May 2003 visit formed the basis of a memorandum by Amnesty International which was sent to the Angolan authorities, police and selected non-governmental organizations (NGOs) in September 2005. The authorities have not yet responded to the memorandum.

# 1. Policing in Angola

## The national context

**D**ue to the 27-year-long civil war and inadequate investment in the police, the Angolan National Police is underdeveloped. During the war many officers were recruited from the armed forces. The war had a brutalizing effect on society, including the police, and police officers told Amnesty International delegates in May 2003 that carrying a weapon gave some police officers a “superiority complex”. This and the involvement of the paramilitary Rapid Intervention Police in military combat means that the police may be more inclined to use military methods of operating, rather than operational standards for civilian policing. In addition, prior to the 1992 Constitution, the police also enforced legislation which restricted fundamental human rights and freedoms.<sup>2</sup> The police now have to deal with challenges in Angolan society stemming from rapid urbanization, easily accessible small arms, as well as high unemployment and under-employment resulting in soaring crime rates.

However, important developments have been made with the introduction of the Modernization and Development Plan 2003/2012, which focuses mainly on professionalism, civic responsibility, transparency and working closely with the communities. The reforms carried out between 2003 and 2006 have included:

- ▶▶ the establishment of complaints offices in Luanda and the other provinces where people may make complaints about police conduct;
- ▶▶ the restructuring of Luanda Provincial Command into seven divisions, each with responsibility for covering a specific area in order to increase public security;
- ▶▶ a massive programme to retrain serving police officers in police colleges. It was reported in February 2004 that 17,000 police officers were receiving basic training;<sup>3</sup>
- ▶▶ the educational qualification for police recruits was raised from 6th class to 8th and 10th class.<sup>4</sup>

Another important development is the introduction of human rights courses as part of police training, with a number of hours a week dedicated to the subject. The human rights lectures are carried out by the Angolan Bar Association.<sup>5</sup> Sporadic human rights and

international humanitarian law training sessions and seminars are also carried out by some local NGOs such as the Association for Justice, Peace and Democracy (Associação de Justiça, Paz e Democracia, AJPD), as well as the UN Human Rights Office in Angola (Office of the UN High Commissioner for Human Rights, OHCHR), and the International Committee of the Red Cross (ICRC). Some senior officers have received this training, so that the human rights aspects of policing are known throughout the chain of command. Amnesty International welcomes these changes.

## National laws and international standards relating to policing

### National laws

The laws, rules and regulations governing the role, functions and structure of the National Police are:

- ▶▶ the Angolan Constitution of 1992, which is currently under revision and guarantees fundamental human rights and freedoms. All laws in the country are subordinate to the Constitution and must uphold the principles contained in it.
- ▶▶ the Organic Law of the Ministry of the Interior, Decree-Law No. 11/99 of 9 July 1999;<sup>6</sup>
- ▶▶ the Organic Law of the National Police, Decree No. 20/93 of 11 June 1993;
- ▶▶ the Disciplinary Regulations, Decree No. 41/96 of 27 December 1995;
- ▶▶ internal regulations, approved by the Commander General of the police.

The Organic Law of the National Police states the objectives of the National Police as:

- ▶▶ the defence of democratic legality;
- ▶▶ the maintenance of public order and tranquillity;
- ▶▶ respect for the exercise of people's fundamental human rights and freedoms;
- ▶▶ the defence and protection of public, collectively owned and private property;
- ▶▶ the prevention of delinquency; and
- ▶▶ collaboration with the national defence policy according to law.

In carrying out these objectives the police must ensure that they promote and protect the human rights and freedoms contained in the Constitution, as well as international human rights laws and standards.

## International and regional standards

Angola is a party to the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol,<sup>7</sup> and to the African Charter. It has not yet ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), or its Optional Protocol, although it has publicly pledged to do so.<sup>8</sup> According to the Angolan Constitution the provisions of treaties ratified by the state should be applied by the courts even when not invoked by the parties to the dispute.<sup>9</sup>

The UN has adopted a range of standards relevant to the police. Although these standards are not binding, Amnesty International recommends that the government of Angola implement them, including by incorporating them into national laws and internal operational procedures where appropriate. These standards include:

- ▶▶ Code of Conduct for Law Enforcement Officials (Code of Conduct);
- ▶▶ Guidelines for the effective implementation of the Code of Conduct;
- ▶▶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles);
- ▶▶ Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ▶▶ Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules);
- ▶▶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles);
- ▶▶ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- ▶▶ Rules for the Protection of Juveniles Deprived of their Liberty;
- ▶▶ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Declaration of Basic Principles of Justice).

In addition, the Southern African Regional Police Chiefs' Cooperation Organisation (SARPCCO) adopted a Code of Conduct for Police Officers in August 2001 which was agreed to by all members, including Angola. It is seen as a "minimum standard" for police services and police forces in the region. The 13 articles of the Code of Conduct were to be implemented by all parties. The first six of these articles relate to respect for human life and include standards on respect for human rights; non-discrimination; proportional use of force; prohibition of torture and other cruel, inhuman or degrading treatment; protection of people in custody; and compassionate treatment of victims of crime.

## 2. Human rights violations and police accountability

**D**espite legal provisions requiring respect for human rights, and police reforms to entrench such respect, human rights violations by the police continue with impunity.

### DOMINGOS MAURICIO

On 2 September 2005 a group of police officers went to the house of Domingos Maurício at 6am. They reportedly entered and searched the house without a warrant, claiming that Domingos Maurício was hiding weapons. Although they found no arms, they arrested him. According to his wife they beat him up and threatened to kill him. He was taken to a police unit in Luanda Sul, where he was accused of possessing illegal arms.

The following day, 3 September, he was taken to the command of the Seventh Police Division and held in incommunicado detention. On the night of 4 September his family received a call from the police station informing them that Domingos Maurício had died. The family reported that they found his naked body on the floor of the cell, with cuts all over and covered in blood. The police reportedly claimed that he had died of tuberculosis. However, an autopsy revealed that he had died from traumatic shock from a blow from a heavy object. Despite this revelation, the police commander of the division refused to retract the police version of events. According to reports, the commander general of the police nevertheless paid certain expenses, including paying for a coffin, two 25kg bags of rice, beans and 20 litres of oil, in return for the family's "silence". The newspaper *Capital* later reported that the police had established a commission of inquiry to investigate the actual cause of death.<sup>10</sup> The results of the inquiry have not yet been revealed. In June 2007, Amnesty International made further inquiries into this case and was informed by a police official that an investigation was still in progress and that no one had been charged or detained as the police were not certain who had been responsible for the death.

The case cited above is just one example of human rights violations by the police in Angola. International human rights standards require that when a human rights violation is committed, the relevant authorities must ensure that a thorough investigation is carried out to establish the truth about what happened. Perpetrators must be taken before a court and be brought to justice and victims should receive full reparation.<sup>11</sup> In Angola this has rarely happened when the perpetrators were police officers. To avoid continued human rights violations by the police it is essential that police officers are held accountable for their actions.

Police accountability involves a means of identifying and addressing problems that could lead to human rights violations in order to prevent the violations from occurring. It also involves methods for ensuring that, once human rights violations occur, steps are taken to bring perpetrators to justice and provide victims with reparation so as to ensure human rights violations do not reoccur. This requires effective systems of accountability both within the structure of the police and outside it. The former are known as internal accountability mechanisms while the latter are referred to as external accountability mechanisms.

The UN Resolution on the Code of Conduct emphasizes that the police should be responsive and accountable to the community as a whole and to the law. It calls on police agencies to exercise internal discipline in conformity with the principles laid down in the Code. It also calls for a means of exercising public scrutiny over the police.

In order to prevent human rights violations by the police in Angola, it is essential that efficient internal and external oversight mechanisms are put in place in accordance with the Code of Conduct. Such mechanisms should include oversight by civil society.

Amnesty International uses the term “internal accountability mechanism” to include:

- ▶▶ the active control and supervision exercised by supervisors at each level up the chain of command;
- ▶▶ the procedures for reporting actions undertaken by the police, including filling out forms after carrying out arrests and detentions, searches or the use of force and firearms;
- ▶▶ regulations including the disciplinary code;
- ▶▶ operational procedures (sometimes called standing orders or codes of practice);
- ▶▶ special offices, both within the police and within the Ministry of the Interior responsible for the police, such as the inspectorate and the system for receiving complaints from the public.

Amnesty International uses the term “external accountability” to encompass:

- ▶▶ accountability to the executive through the Ministry of the Interior;
- ▶▶ accountability to the judiciary including through the Procurator General’s Office;
- ▶▶ accountability to the legislature through the National Assembly;



- ▶▶ accountability to the public through:
  - ▶▶ the Ombudsman's Office;
  - ▶▶ the National Police public information office;
  - ▶▶ response to their needs for assistance;
  - ▶▶ NGOs and the media monitoring police behaviour.

## The internal accountability system in Angola

### The chain of command

An effective chain of command control ensures superiors are aware of the actions of their subordinates and can help to prevent human rights violations or take appropriate action afterwards.

In terms of the Disciplinary Regulations, the superior officer is always responsible for the failings of his or her subordinates when these result from the failings of, or orders given by, the superior officer. The Disciplinary Regulations further state that superior officers are responsible for disciplining their subordinates. Subordinates are therefore accountable to their superior officers who must ensure that they do not violate human rights and that they are held accountable for their actions when they do. This does not appear to have always been the case in Angola.

### ARBITRARY ARREST OF PADEPA MEMBERS

Members of the Angolan Party for Progress and Democratic Assistance (Partido do Apoio Democrático e Progresso de Angola, PADEPA), have been arbitrarily arrested on a number of occasions in the last three to four years. One of the most recent incidents occurred on 19 February 2007 when police officers arrested the Secretary General and seven members of the party who were handing out pamphlets, denouncing socio-economic conditions in Luanda. They were taken to the Fourth Police Station where they were held incommunicado and without charge for five days. On 23 February they were taken before the police court in Ingombota, a district of Luanda, where the judge conditionally released them pending judgement. On 1 March the judge acquitted them on the grounds that they had not committed any crime.

Despite the illegality of the arrest in this case, and in the many other incidents of arbitrary arrests of PADEPA members and others, it does not appear that police officers were disciplined by their superiors for their actions.

## The Disciplinary Regulations

The Disciplinary Regulations set out the expected behaviour of the police and the acts they should refrain from. In Angola these are referred to as the “disciplinary duties of the National Police”. The Regulations also set out the disciplinary procedures to be followed when the provisions are infringed. It is essential that all police officers are aware of the contents of the disciplinary regulations. The regulations should make it clear that human rights violations will not be tolerated. However, the Angolan Disciplinary Regulations are not being implemented effectively. The case below is just one illustration of the way police officers in Angola have acted with blatant disregard of the Disciplinary Regulations.

### JOANA AGOSTINHO

On 7 December 2006 police officers from the Third Police Division went to the home of Joana Agostinho in the Cazenga municipality in Luanda, apparently intending to arrest her 17-year-old son, Francisco Agostinho André. They claimed he had been fighting in his neighbourhood. Only his mother and two sisters Marisa André Rodrigues and Inês Tatiana Valentim Passos were in the house at the time. After carrying out a thorough search of the house, the police concluded that the family was hiding Francisco Agostinho André. According to reports, the police then beat the three women, hit them with their weapons and threatened to kill them if they did not reveal his whereabouts. The women were then taken to the Twelfth Police Station where they were beaten further. The women said that the police officers also took a DVD player, a television and a mobile phone from the house. The women were released later that day, after the arrival of the Police Commander at the station. One of the women, who later approached the AJPD for assistance in lodging a complaint against the police, reported that the officers were acting under the influence of alcohol.<sup>12</sup>

The police in the above case infringed numerous duties contained in the Disciplinary Regulations, including the duty not to abuse their powers<sup>13</sup> and to abstain from ill-treatment and acts of violence against others.<sup>14</sup> Furthermore, by being apparently under the influence of alcohol they also violated their duty to conduct themselves in a way that will leave no doubt as to the correctness of their actions.<sup>15</sup>

Furthermore, even police behaviour in conformity with the Disciplinary Regulations may lead to human rights violations as the Regulations contain provisions that are in violation of international human rights law, including provisions which require complete obedience to orders and certain provisions on the use of force.

### Failure to regulate against obedience to unlawful orders

The Disciplinary Regulations require complete obedience to orders. According to the Regulations, if the subordinate considers that obedience could result in some form of injury,

the officer can mention this to her or his superior in private. If the superior officer insists, the subordinate must carry out the action, but may request a copy of the order in writing.<sup>16</sup> Such strict rules that do not allow for any questioning are in essence contrary to the UN Code of Conduct, which states that "Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power."<sup>17</sup> With regard to torture or other ill-treatment, Article 5 of the Code specifically states: "nor may any law enforcement official invoke superior orders [...] as a justification of torture or other cruel, inhuman or degrading treatment or punishment."

As a consequence of the requirement of complete obedience, police officers often carry out orders without questioning the legality of their actions, as occurred in the case of the Movement of Angolan Students below. There have been cases of mass forced evictions – large-scale evictions carried out without due process of law – in which the police have acted at the behest of the civil administration authorities without considering the legality of the evictions.

The Disciplinary Regulations should include a provision that stipulates that all law enforcement officials have a right and a duty not to obey a manifestly unlawful order, including an order which, if carried out, would violate fundamental human rights. It should also include provisions for the protection and support of any officer who reports or opposes a violation of the regulations, or a violation of fundamental human rights.

### **Failure to adequately regulate the use of force**

The Disciplinary Regulations forbid the use of weapons in general unless absolutely necessary in order to repel aggression or attempted aggression against oneself or one's place of work or when necessary for the maintenance of public order or whenever requested by superiors in order to maintain public order or carry out arrests.<sup>18</sup> Ill-treatment, insults or violence against detainees are forbidden, both at the time of the arrest and subsequently, except in the case of resistance, flight or attempted flight.<sup>19</sup>

These provisions are in serious breach of international human rights standards, which require that the use of force should be exceptional and proportional and that firearms should only be used to protect life.

The police have used unnecessary or excessive force on various occasions when dispersing demonstrations.

## **MOVEMENT OF ANGOLAN STUDENTS**

On 23 February 2005 the police stopped a peaceful march by the Movement of Angolan Students in Luanda in protest against a rise in the price of public transport and demanding transport subsidies. The Provincial Governor of Luanda had reportedly ordered that the demonstration should not take place and told the police to use all measures to stop it. He asserted that the students

had not made a formal request and demonstrations during working hours were prohibited by the Angolan law on demonstrations. The Movement of Angolan Students, however, informed the provincial police of their intention to demonstrate, despite having received a negative response to their request for permission.

At around 9am on 23 February 2005, approximately 30 minutes after the appointed time for the start of the march, a large number of police officers arrived with five patrol vehicles, three small trucks and five vehicles of the canine brigade with dogs, which they reportedly set loose into the crowd of students. No one was hurt as the students did not offer resistance. At least two students were detained for approximately an hour in police vehicles, but no arrests were made. The students held another peaceful demonstration on 30 July 2005, once again demanding free public transport for students. On this occasion police officers beat and briefly detained some students.

Amnesty International has also recorded cases of excessive use of force during forced evictions. The police have co-operated with other agencies, such as Luanda Provincial Government fiscal officials, private security companies and military personnel to forcibly evict people from their homes since at least July 2001.

During forced evictions and demolitions on 21 June 2004 in Wenji Maka, Kilamba Kiaxi municipality, several people were reported to have been arbitrarily arrested and others wounded by police gunfire. Sebastião Manuel and José Valentim were shot in the legs and José João Fernandes was shot in the head and lost the ability to speak.<sup>20</sup> No investigations were carried out into this incident.

More recent cases of forced evictions in which the police used excessive force have occurred in the same municipality. Since September 2004 people have been forcibly evicted from their homes in the Kilamba Kiaxi neighbourhoods of Cambamba I and II, Banga Wé and 28 de Agosto after the land was apparently granted by the authorities to the Nova Vida (New Life) housing project without meeting any of the requirements set out under international law. The forced evictions in this area were accompanied by the use of force by the police and, in some cases, the use of firearms.

## CAMBAMBA II EVICTIONS

On one occasion, on 13 March 2006, members of the National Police and guards from a private security company, Visgo, and others in civilian clothes arrived in Cambamba II with bulldozers and demolished 200 houses. The residents, mainly women, children and the elderly, stood in front of their houses and refused to move. When the director of Nova Vida arrived in his car, some of the residents threw stones at it, while others threw objects at the police and guards, who fled the scene. The police and guards returned later that morning, with some 100 heavily armed Rapid Intervention Police

officers who reportedly got out of their cars firing into the air and on the ground. They beat and kicked residents, including a pregnant woman, who then started haemorrhaging. A boy of about four years old was allegedly injured by a bullet in his knee and had to be taken to hospital. The police claimed that the boy had not been shot and had in fact received his injuries when he fell from his mother's arms during the confusion of the forced evictions.

Evictions carried out on the same day in the neighbourhoods of Cambamba I and Banga Wé were accompanied by similar violence.

### CAMBAMBA I EVICTIONS

In Cambamba I, where around 130 houses were demolished, a private security guard armed with an automatic weapon, an AK 47, shot around the feet of a youth as he tried to flee. The security guard and seven police officers then encircled him, beat him with a hose and kicked him. A number of women were arrested including Domingas Manuela Batista, who was pregnant at the time. Helena André, Maria Ganga, Luciana Inácia and Leonora Martins Miguel were arrested along with their young children. Those who resisted arrest were pushed to the ground and beaten, including a woman who was carrying a baby on her back. A man, Alvarito Francisco Medina, was also beaten and arrested.

No investigations appear to have been carried out into the police involvement in the forced evictions, including investigations to establish whether the use of force and firearms was justified in these instances. In interviews with Amnesty International delegates during a visit to Angola in February 2007, police and other authorities denied that the police had been involved in an illegal act by participating in the forced evictions. They claimed that they had a right to be present and that they had not committed human rights violations. Furthermore, the Luanda provincial police spokesperson alleged that it was the private security guards who shot at the residents and not the police. He asserted that the police were only involved in the forced evictions to ensure order and prevent conflict between the parties. According to him, the police went to the area unarmed and members of the police were also injured during the forced evictions.

Amnesty International is concerned about the excessive use of force on these occasions which was in violation of international human rights standards. International human rights standards on the use of firearms provide that they may be used only:

- ▶▶ in self-defence or in defence of others when there is an imminent threat of death or serious injury;
- ▶▶ to prevent the perpetration of a particularly serious crime involving grave threat to life, or to arrest a person presenting such a danger and resisting authority, or to prevent his or her escape;

- ▶ when less extreme means are insufficient to achieve these objectives and when the intentional lethal use of firearms is strictly unavoidable in order to protect life.<sup>21</sup>

Article 3 of the UN Code of Conduct states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." Furthermore, according to the Basic Principles, the police may only use such force as is necessary; proportional to the objective to be achieved; lawful; and for which officers may be held accountable. The amount and type of force applied should be only that which is necessary to achieve a legitimate objective and it should be proportional to the seriousness of the offence.<sup>22</sup> The first aim should be to avoid the use of force and firearms. Non-violent means must be tried first and force and firearms should only be used if these "remain ineffective or without any promise of achieving the intended result."<sup>23</sup>

Proportionality can only be achieved if the police have a broad range of techniques and equipment. These should include methods which do not involve the use of weapons, and also appropriate non-lethal incapacitating weapons. There is also the principle of subsidiarity, which requires officers to act in ways that are as unintrusive as possible and least damaging to a suspect's rights. Subsidiarity is not explicitly contained in the main international standards but some police forces consider it to be good practice.

## Disciplinary procedures

The disciplinary procedures come into action when a police officer transgresses the provisions of the Disciplinary Regulations. Disciplinary procedures against police personnel are normally of a minor character and dealt with only by the police agency concerned. The case, before being decided, must be investigated and supported by proof and must take into account the statement of the accused. The accused has access to the dossier. There is no representation of the accused except in cases of mental or physical illness or impairment, in which case, a defender is nominated.<sup>24</sup> Under Article 66 of the Disciplinary Regulations, a superior officer can alter or annul any punishment imposed by a subordinate. The accused officer may appeal in certain circumstances.<sup>25</sup>

If, in a disciplinary case, it emerges that a criminal offence may have been committed, the case is submitted to the competent authorities.<sup>26</sup> These would be the national or provincial criminal investigation departments and the prosecutor. The Disciplinary Regulations state that the disciplinary procedure is independent of criminal procedures but does not specify whether or not the disciplinary process is suspended at this stage. In practice it appears that the disciplinary process precedes criminal proceedings and is concluded before any criminal proceedings are instituted.

Even where expulsion results from the disciplinary process, the accused may still be absolved by the criminal process as the judge may not find enough evidence to convict. Article 92 states that the law on military crimes is applicable to police officers. However, these military laws do not apply if the accused police officer is expelled as a result of the disciplinary proceeding before the start of criminal proceedings, as he or she is no longer a member of the police.

### **Failure to institute disciplinary proceedings against officers for human rights violations**

Despite the existing disciplinary procedures, few disciplinary actions have been taken against officers for human rights violations.

#### **FERNANDO LELO**

In May 2006 police officers arrested and briefly detained Fernando Lelo, the Voice of America correspondent in the province of Cabinda, as he took pictures of police officers beating members of a Catholic congregation attending a special reconciliation mass in the cathedral in Cabinda city. He was taken to the Provincial Directorate of Criminal Investigation (Direcção Provincial de Investigação Criminal, DPIC) where he had his camera and tape recorder confiscated and he was reportedly beaten. At about 3.30pm, six hours after his arrest, Fernando Lelo was released without charge. Although he later received his tape recorder, his camera was not returned by the DPIC, despite numerous requests from him. Fernando Lelo informed Amnesty International that on 28 September 2006, following written complaints by him to the Ministry of Interior, the Ministry sent a delegation of inspectors of the National Police from Luanda to Cabinda to investigate his case. According to Fernando Lelo, the delegation stated that his detention had been unlawful and a violation of his rights. However, despite this statement there has apparently been no disciplinary proceeding against any police officer and no compensation given to Fernando Lelo.

The above case is just one example of the many cases in which no disciplinary proceedings were carried out following human rights violations by the police. In fact, no disciplinary proceedings were carried out in the cases mentioned in this report, with the exception of the case of the torture of the Maboque employees and the extrajudicial execution of the street vendor, both mentioned previously. The failure to institute disciplinary proceedings against police officers reinforces the ongoing police impunity and erroneously legitimizes human rights violations by the police.

### **Internal codes of practice**

Amnesty International is aware that the National Police are engaged in reforming or developing codes of practice in line with the objectives of the Modernization and Development Plan to reform the methodologies and techniques of police action. As discussed previously, the existing provisions on the use of force are in violation of international human rights standards. It is vital that the codes of practice are drafted in compliance with international standards, that these codes are statutory and widely publicized so that any breaches can be reported promptly, and that they form the basis of intensive training of new recruits and refresher training for all officers.

Furthermore, the cases of the arbitrary arrest of PADEPA members and the journalist Fernando Lelo described previously, indicate that the internal codes of practice are either unclear on when arrests can be made or are disregarded by the police. Arbitrary arrests are a violation of the ICCPR<sup>27</sup> and the African Charter,<sup>28</sup> to which Angola is a state party. Under these treaties an individual may only be deprived of their liberty on legal grounds and according to procedures established by law.

The internal codes of practice should therefore include detailed provisions on the carrying out of arrests and detentions; the treatment of detainees; and the use of force and firearms. It should also take into account provisions of international standards as well as professional codes of practice based on these standards. Such a detailed code of practice, if rigorously imposed, will make it clear to police officers that human rights violations are unacceptable.

## **The system for receiving complaints from members of the public: Guichet de Reclamação**

An important step towards police accountability was taken with the opening of complaints offices in most Angolan cities. The first was set up in Luanda in 2003 and since then similar offices have been set up in the provinces. These complaints offices are part of the police structure, and are open to the public who may report complaints against the police, either in person or through special cheap-rate telephone numbers.<sup>29</sup> Amnesty International welcomed this important development. The complaints offices are an indication of the National Police's commitment to improving accountability of the police. However, Amnesty International is concerned at the apparent lack of response by these offices to the community.

### **Failure to respond to complaints and provide information to the public**

Following the cases of repeated forced evictions described previously, members of some affected communities lodged complaints with the complaints office. Despite these complaints the communities have not received any information from the complaints office concerning actions taken regarding these complaints. The police should ensure that investigations are carried out into complaints lodged at these offices. The complaints offices should ensure that information concerning the status of complaints is provided to complainants. The effective operation of the complaints office will enhance public confidence in the police and provide the National Police with a means of correcting unprofessional police behaviour, enhancing performance and improving public perception of policing within the community.

Amnesty International delegates visited the Luanda complaints office in May 2003 and February 2007. In May 2003, the officer responsible informed Amnesty International delegates that there would be public reports on the work of the complaints offices. However, by February 2007 it appeared that, although the Luanda provincial complaints office reports every three months to the officer responsible, the reports are not made public. Public reporting is essential for the credibility of the complaints offices. The activities of the offices should be widely publicized, including by providing general



information about how they operate, how the confidentiality and safety of complainants are assured and how complaints may be made.

A further step towards securing public confidence in the complaints offices would be to appoint a respected public figure as an independent inspector to oversee their activities and to make recommendations. This person would be given access to the case dossiers in order to select a critical number,<sup>30</sup> examine them and refer any unsatisfactory cases to the Commander General. On an annual basis, this inspector would report publicly on the efficiency and integrity of the handling of complaints. He or she would, of course, be required to respect the confidentiality of the individual complainants and officers involved.

## External accountability

The external accountability mechanisms are outside the police structure and play a role in the oversight of the police. These include state structures officially set up to have some control over police functions as well as organizations and institutions which carry out functions that have a bearing on police activities by providing information to the public.

### **Formal external accountability mechanisms**

In Angola police external accountability is exercised officially through the executive, the legislature and the judiciary.

The Angolan National Police is under the jurisdiction of the Ministry of the Interior, which oversees all branches of the police, has the power of appointment and determines operational policy. It is through this Ministry that the executive exercises police accountability.

The National Assembly establishes the legal framework under which police operate. Its committees, including the Commission for Defence, Security and Internal Order, and the Parliamentary Commission on Human Rights, Petitions, Complaints and Citizens' Suggestions, carry out inspections and inquiries and makes recommendations for action.

The Procurator General's Office supervises the police investigative function and has a responsibility to ensure the observance of the law in general and of the administration of justice through the courts. The judiciary has jurisdiction over police officers who are suspected of committing a crime, allowing it to ensure that police officers who commit crimes can be brought to justice.

Although these structures exist for external accountability in Angola, Amnesty International is concerned that they are not effectively carrying out their police oversight functions.

## MABOQUE EMPLOYEES

On 13 May 2006 four private security guards, Mateus Inacio Martins, Faustino Penhafu, Zeferino Muipile and Santos João Francisco, employed by Maboque, a civil construction company, were arrested and detained in different police stations in Luanda on suspicion of stealing money from the company's safe. They were severely beaten over a period of five days, including on the days of arrest and release. The four were released on 17 May 2006 without charge. The AJPD publicized this case in the national media in June 2006 and as a result the police later announced that the officers responsible had been expelled following a disciplinary process. In February 2007 Amnesty International delegates were informed that criminal proceedings had been instituted against the police officers. However, as far as Amnesty International is aware their trial is still pending.

### Failure to criminalize torture

A major concern of Amnesty International is the failure of the legislature to enact legislation that clearly prohibits and penalizes torture, ill-treatment and other cruel, inhuman and degrading treatment and punishment. Amnesty International has documented several cases of torture by police officers, including the torture of members of PADEPA who have been arrested and detained on a number of occasions.

## ILL-TREATMENT OF PADEPA MEMBERS

On 10 November 2004, dozens of people were arrested and briefly detained when they demonstrated outside the US Embassy in Luanda. Seven PADEPA members were arrested and taken to the Second Police Station in Luanda where they were reportedly beaten, sustaining bruises and other injuries. On 9 November 2006, 110 PADEPA members carrying out a peaceful demonstration in four locations around Luanda were arrested. The demonstrations and arrests reportedly took place outside the French Embassy, near the Portuguese Embassy, and outside the building of the Governor of Luanda.<sup>31</sup> The demonstrators were protesting against corruption and demanding that France return money deposited by the President of Angola, which PADEPA said belonged to the Angolan people.<sup>32</sup> Those arrested were detained in the First, Second, Third and Fourth Police Stations in Luanda where they were reportedly beaten and threatened with weapons and made to sleep on the floor. In some cases the police poured water on the floor in order to force them to stay awake. The party President, Carlos Leitão, who was not arrested on this occasion, told Amnesty International delegates during an interview in February 2007 that the PADEPA members were held with dangerous detainees who robbed them and whom, they believed, could have caused them "psychological damage". He described their treatment in custody as "physical and psychological torture".

There have also been reported cases of torture that have resulted in death, as in the cases of Domingos Maurício described on page 5 and Francisco Levi da Costa discussed below. Although the Constitution of Angola prohibits torture, the Angolan Penal Code does not. Amnesty International was informed by the Minister of Justice that such acts amount to “corporal offences” which are prohibited.<sup>33</sup> The government of Angola recently pledged voluntarily to promote the protection of human rights by, among other things, accelerating the process of ratifying the UN Convention against Torture. Amnesty International welcomes this pledge and calls on the authorities to ensure that it is made clear to all law enforcement officials that torture and other ill-treatment will not be tolerated.

### **Failure to investigate cases of human rights violations**

The Procurator General’s Office has the responsibility of carrying out investigations when a crime has been committed. However, there have been hardly any investigations carried out into human rights violations by the police. In many of the cases described in this report, no investigations have been carried out. Or, where there have been investigations, the results of the investigations have not been made public.

#### **NELITO MANUEL CANGADO**

On 30 October 2006 the body of Nelito Manuel Cangado was found in the morgue a month after his arrest and detention in the cells of the police station in the Golfe neighbourhood in Luanda. According to the Angolan organization Mãos Livres, police officers had gone to his house around midnight on the night of his arrest, reportedly looking for his brother, Joaquim Pereira, whom they suspected of stealing a mobile phone. They arrested the two brothers and took them to the police station. Joaquim Pereira was released shortly afterwards while Nelito Manuel Cangado stayed in detention. Nelito Manuel Cangado’s family later discovered his body in the morgue. An autopsy was carried out which revealed that he had died of traumatic shock. A police officer was apparently accused subsequently of being responsible for the death. Amnesty International was informed that the DNIC is still investigating the case. It is not clear whether any officer has been arrested in connection with the case.

A similar case was reported in O Angolense newspaper in February 2007.<sup>34</sup>

#### **FRANCISCO LEVI DA COSTA**

According to this report, on 2 February 2007, Francisco Levi da Costa and two other men were arrested by police officers at 8am after the owner of a store allegedly caught them attempting to steal three boxes of fish. They were

taken to the Eighth Police Station, where they were beaten over a period of four consecutive days without being taken to appear before the procurator for formal questioning. Francisco Levi da Costa fainted as a result of the beatings, mainly to his head, but the police claimed he was merely attempting to deceive the police in order to be released. On the morning of 5 February 2007, Francisco Levi da Costa was beaten to death in a police cell by the police. The owner of the boxes of fish withdrew the charges against the two other men after hearing about the death. The spokesperson of the Luanda provincial police said an internal investigation was being carried out and that he could not comment on the case. At the time of writing this report, Amnesty International was informed by a police official that Francisco Levi da Costa had been fighting with other inmates prior to his death and that the police were not ruling out the possibility that he had died as a result of this fight. Amnesty International was informed that no one had yet been charged for his death.

International human rights standards require that an inquiry into the cause of death be carried out in all cases of death of a detainee or prisoner. The findings of such an inquiry should be made available on request.<sup>35</sup> Inquiries should investigate the cause, manner and time of death, the person responsible and any pattern of behaviour or practice that may have contributed to the death.

#### **Failure to prosecute police officers for human rights violations**

Another failing of the Procurator General's Office is that few perpetrators have been prosecuted for human rights violations, creating a prevailing sense of impunity. An exception appears to be the prosecution of a police officer who was convicted of the killing of Antoninho Tchiswugo.

### **ANTONINHO TCHISWUGO**

On 1 January 2005, an officer from Lobito's First Police Station went to the building where Antoninho Tchiswugo, known as "Toi", lived in Lobito, Benguela province. The officer seized him, handcuffed him, and shot him in the head. The officer then removed the handcuffs and threw the body down the elevator shaft. Despite statements by some of the victim's friends, the officer was not charged or suspended from duty pending an investigation. It was only after protests from NGOs that an investigation was initiated in February 2005, leading to the arrest of the officer on 13 March 2005. On 8 August 2006, the Benguela Provincial Court in Lobito convicted the police officer of the deliberate and unlawful killing of "Toi" and sentenced him to 17 years' imprisonment and to pay damages to the victim's family of Kz 500,000 (approximately US\$6,250). As far as Amnesty International is aware, this is the first time a police officer has been convicted for unlawful killing and sentenced to a lengthy prison term.

In 2006 there were two cases where it was announced that criminal proceedings would be instituted. One of these was the case described previously<sup>36</sup> of the four employees of Maboque who were tortured, while the other is described below.

### **STREET VENDOR, LARGO PRIMEIRO DO MAIO**

In May 2006 a young street vendor was killed and another injured by two police officers in the Largo Primeiro do Maio area in Luanda. According to reports, on 15 May 2006 the two officers were patrolling the area when they encountered a group of street vendors. One was reportedly carrying a bag containing a number of mobile phones suspected to be stolen. When the police opened the bag the youth fled into a building and was pursued there by one of the officers who arrested him. According to newspaper reports, when they came out of the building the officer ordered the youth not to move and then shot him dead. However, the provincial police spokesperson told Amnesty International delegates in February 2007 that the youth had resisted arrest and that the police officer negligently shot and killed him. He said the officer acted with disproportionate force and had been expelled from the police following a disciplinary proceeding, and that a criminal proceeding against the officer had been instituted. According to reports, people within the vicinity at the time of the shooting protested against the police and during this protest another police officer shot and injured the other vendor. The provincial police spokesperson did not mention what happened to this police officer. It is not clear to Amnesty International whether both officers are currently in custody. They do not appear to have been tried yet.

### **KILLINGS IN THE LUNDAS**

On 7 December 2004, a police spokesperson reported that five people, four from the Democratic Republic of the Congo and one Angolan, had suffocated to death on 5 December in a cell in the Muxinda Police Station. The spokesperson said that relatives responded by attacking police officers with what they called, “weapons other than firearms” and that the police had fired into the crowd, killing a relative of one of the deceased. The next day, 8 December, a news agency reported that 12 bodies had been found on 7 December.<sup>37</sup> From the report it was not clear where the bodies had been found. This incident was subsequently investigated by an Angolan journalist and a Portuguese lawyer. Their findings, concerning this and other cases of killings by police officers in the Lunda provinces, were contained in a report, *Lundas: The stones of death. Angola’s deadly diamonds: Human rights abuses in the Lunda provinces*, published in early 2005<sup>38</sup> with a follow-up report, *Operation Kissonde: The Diamonds of Humiliation and Misery*, in 2006. They reported that the cell where the 12 deceased had been held was “like a wall cupboard”, without ventilation or light and without any sanitary facilities. According to the report three police officers were arrested in connection with the deaths.

Senior police officers said that there had been an “excess of zeal” on the part of the police officers in question.<sup>39</sup>

The report, *Lundas: The stones of death. Angola’s deadly diamonds: Human rights abuses in the Lunda provinces*, also describes the case of 11 detainees arrested in Xa-Muteba who died as a result of harsh prison conditions and lack of adequate food between 11 April and 3 June 2004. No information about any investigations into these deaths has so far been made publicly available. Amnesty International has raised this case on numerous occasions with the Angolan authorities, but has received no information.

Under international standards, including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, states are required to investigate all suspected extrajudicial executions, prosecute alleged perpetrators and provide reparation for the families.

#### **Failure to provide information to victims and the public**

In the cases described above the authorities have stated that investigations were being carried out or that legal proceedings were being instituted. However, in most cases no further information has been provided concerning the findings of these investigations or the status of legal proceedings and the authorities have seldom responded to Amnesty International’s requests for information. An effective accountability mechanism should ensure access to information to the public and victims so that the police are seen to be held accountable for their actions.

The Declaration of Basic Principles of Justice states that judicial and administrative processes should be responsive to the needs of victims including by informing them of the progress of the proceedings.<sup>40</sup> The Body of Principles also states that the findings of inquiries into death should be made available on request.<sup>41</sup> Providing the public with information concerning the findings of investigations and the status of legal proceedings will ensure that justice is not only done but seen to be done as well.

### **Informal external accountability mechanisms**

Informally, the police are held accountable through the activities of independent accountability mechanisms, the media and human rights NGOs.

#### **Independent accountability mechanisms**

The police are accountable to independent statutory monitoring agencies, such as the Justice Ombudsman in Angola, who was appointed in March 2005. The Ombudsman’s Office is an independent public body tasked with protecting people’s constitutional rights and freedoms and ensuring fair and lawful public administration. The Statute of the Justice Ombudsman gives the Ombudsman powers to investigate complaints from the public<sup>42</sup> and cases of grave human rights violations even without a complaint,<sup>43</sup> as well as powers to make recommendations to prevent and remedy injustices and monitor compliance with these recommendations.<sup>44</sup>

Independent scrutiny is invaluable as an encouragement to improve internal accountability, to enhance professionalism generally and to increase public trust and support. It can also ensure that suspected perpetrators of human rights violations are brought to justice and that the police exercise their duty to protect and promote human rights.

The Justice Ombudsman's Office can take up complaints of human rights violations by police officers, but its mandate is very broad and it is likely that only the most serious cases will be considered. This does not provide the police with comprehensive independent scrutiny.

In recognition of the need for thorough and continuous independent scrutiny, many countries have established an independent complaints body specifically to deal with complaints against the police. Such bodies ensure that complaints against the police are handled in an open, efficient and fair way, as well as helping the police to raise standards and increasing public confidence in the police.

An independent police complaints body would deal with all complaints against the police, including operational matters, such as failure to respond to an emergency, as well as allegations of misconduct including human rights violations. It would be empowered either to conduct investigations itself, or to supervise police investigations into complaints. The body would also be responsible for safeguarding the rights of people who make complaints.<sup>45</sup> Another function of an independent police complaints body is to analyse trends and provide recommendations for responding to them, thus providing an independent analysis as a useful comparison with internal analyses.

### **The Role of NGOs and the media in police oversight**

The Angolan media and local NGOs play an indispensable role in police oversight. The media has reported cases of human rights violations thus bringing these to the attention of the authorities. In some instances, cases of human rights violations reported by the media have been those exposed by the local NGOs such as the AJPD and Mãos Livres. It is these NGOs that receive cases of human rights violations from the victims and request action from the authorities to make the police accountable for these violations. In 2006 the AJPD played a vital role in exposing the torture of the four employees of Maboque by police officers. Pressure from the AJPD led to disciplinary procedures against the officers responsible and their eventual expulsion from the police. Mãos Livres also provides legal assistance to victims of human rights violations. In addition NGOs like these provide human rights training to the police. It is essential that NGOs are given enough space to carry out these functions and that the police authorities co-operate with them.

It is unfortunate that the police response to journalists and human rights organizations seeking information about abuses by the police is often less than transparent and respectful of the public interest. In fact, in some cases the rights of the journalists documenting human rights violations themselves have been violated. Police officers have arbitrarily arrested journalists who were not suspected of any criminal offence, as evidenced by the case of Fernando Lelo documented above. Amnesty International calls upon the police authorities to co-operate with NGOs and the media to ensure that perpetrators of human rights violations are brought to justice.

## 3. Conclusions

**D**espite the legal duty on police officers in Angola to respect fundamental human rights and the recent inclusion of human rights training in the curriculum of the police, human rights violations by the police in Angola have continued.

In almost all of the cases of human rights violations by the police documented in this report, no investigations were carried out, no disciplinary proceedings followed and no suspected perpetrator was brought to justice. Amnesty International is concerned that this culture of police impunity reinforces human rights violations and abuses by the police. The lack of disciplinary actions and prosecutions of police officers for human rights abuses and the continued human rights violations indicate a serious failing in police accountability mechanisms. Although Angola has a number of mechanisms for internal and external police accountability, including the recently established police complaints offices and Justice Ombudsman's Office, these mechanisms seem to be ineffective and unresponsive to the needs of society. Amnesty International believes that these mechanisms should be strengthened if the police are to become truly accountable. Amnesty International further suggests that there may be a need for the creation of an independent, specialised agency for oversight of the police so as to bring an end to the culture of police impunity.

Furthermore, some of the provisions of Angolan national law relating to policing are not in line with international human rights standards. Amnesty International calls upon the authorities to reform these codes and regulations to bring them into line with international standards. Finally, Amnesty International calls upon the Angolan authorities to promote a human rights-based approach to policing and end police impunity for human rights violations.



# 4.

## Recommendations

In order to improve police services and reduce human rights violations by the police, Amnesty International calls upon the Angolan authorities to:

### **Bring perpetrators of human rights violations to justice**

- ▶ All cases of extrajudicial executions, torture, excessive use of force, deaths in custody and other human rights violations should be the object of prompt, impartial and thorough investigations, and suspected perpetrators should be brought to justice.
- ▶ Complaints about a police officer's conduct, whether they come from members of the public, from supervisors or from colleagues, should be addressed with due diligence. Those who file complaints should be confident that they will be supported and, if necessary, protected against reprisals. Members of the public should have the assurance that their complaints will be taken seriously and that they will not suffer for having lodged them.
- ▶ Amnesty International is concerned about the number of investigations reportedly opened by the police in the past that appear not to have been concluded. Many of these cases seem to have simply disappeared in the system. Amnesty International calls upon the authorities to ensure that investigations concerning cases of human rights abuses and violations mentioned in this report are concluded and the suspected perpetrators are brought to justice. Victims of human rights violations or their families, in the case of death in custody or extrajudicial executions, should be compensated.

## **Ensure that all police officers receive training based on human rights standards relating to policing**

- ▶▶ All police officers should receive training and re-training on human rights standards related to policing and should fully understand that acts such as arbitrary arrests and detention, deaths in custody, torture and other cruel, inhuman or degrading treatment, as well as excessive use of force, are a violation of human rights. Senior officers should also receive this training. Such a move will accord with the aim of the Modernization and Development Plan to increase the level of professional and personal training of the police.
- ▶▶ The authorities should continue to provide on-the-job training, and ensure that such training is coupled with careful supervision, in which officers are given clear instructions concerning the use of force and firearms and are closely monitored. In addition to self-defence and weapons training, the training should include riot control techniques, as well as tests to ensure that officers thoroughly understand the principles of legality, necessity and proportionality.
- ▶▶ Senior officers should be provided with training on how to monitor the use of force and firearms by those under their supervision. Such training must be backed up by a policy of thorough investigations of alleged human rights violations.
- ▶▶ In line with the aim of the Modernization and Development Plan to substitute pistols for rifles, inappropriate weapons such as AKM rifles should be replaced with devices more appropriate to policing in a time of peace, including non-lethal instruments to avoid the unnecessary use of force.

## **Reform codes and regulations concerning the functioning of the police to bring them into line with international standards**

- ▶▶ The Disciplinary Regulations should be reformed to ensure that they comply with international human rights standards. A requirement not to obey illegal orders should be included.
- ▶▶ Codes of practice for managing public order events and for the use of force and firearms which conform to international human rights standards and to policing principles of legality, necessity and proportionality should be elaborated. The codes should contain provisions for dealing with any casualties or others affected by the use of force or firearms and for evaluating the operation.
- ▶▶ These codes should be publicly available in order to enhance public understanding of the work of the police and assist in the protection of human rights.

- ▶ Reporting procedures should be included in the codes with a sample of the report forms to be completed after carrying out such functions as making an arrest, carrying out a search, or using force or firearms. A separate form should be completed to report a serious injury or death as a result of force or firearms. A third form should be elaborated for reporting deaths in custody.

## **Prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment**

- ▶ Angola has pledged to accelerate the ratification of the UN Convention against Torture and its Optional Protocol. Amnesty International urges the relevant authorities to ensure that the provisions of the Convention are incorporated into national laws. The absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, allowing for no exception under any circumstances, should be clearly stated in the national law, disciplinary regulations and codes of practice.
- ▶ All training of law enforcement officials should fully take into account this prohibition. All officers, including commanding officers, must be made fully aware of their responsibilities to protect detainees and understand that acts of torture or cruel, inhuman or degrading treatment or punishment are criminal offences in national law and international treaties to which Angola is a party.

## **Seriously consider, after full consultation with relevant state agencies and civil society, the establishment of an independent police complaints authority**

As complaints against the police are likely to be numerous and the Justice Ombudsman is unlikely to be able to give as much attention to police oversight as is desirable, serious consideration should be given to the creation of a specialized agency for oversight of the police. There should be full consultation with the police, judiciary, the Justice Ombudsman and representatives of NGOs. Any agency charged with oversight of the police should have sufficient independence to develop its own processes and procedures and should not have to rely on the police for its budget.

In addition it must have:

- ▶ expertise in law enforcement practice and legitimacy in the eyes of those whom its actions affect;
- ▶ enough powers to carry out its own investigations, independent of the police;
- ▶ powers to initiate inquiries or investigations even if no specific complaint has been received;

- ▶▶ powers to insist on co-operation from police departments including by providing access to all police records;
- ▶▶ powers to require witnesses to appear;
- ▶▶ powers to require police agencies to provide information on action taken in individual cases, with reasons for inaction.

### **Ensure that the police work closely and co-operate with NGOs carrying out oversight functions**

Local NGOs play an indispensable role in monitoring and documenting cases of human rights violations by police officers. They receive information directly from the public. The National Police should ensure that it works closely with NGOs to follow up any alleged misconduct by police officers and to ensure that suspected perpetrators are brought to justice.

Amnesty International calls on the Justice Ombudsman to ensure that:

- ▶▶ Cases of serious violations of human rights by police officers, including extrajudicial executions and torture, are investigated even without a complaint from the public in accordance with the powers contained the Statute of the Justice Ombudsman;
- ▶▶ Recommendations made to relevant organs concerning remedial actions for human rights violations by police officers are followed up and where action is not satisfactory, the case is referred to the relevant authority.<sup>46</sup>

### **Recommendations to international agencies:**

Amnesty International notes the involvement of various different NGOs and international non-governmental organizations in the provision of training to the Angolan police. Amnesty International recommends that the various agencies:

- ▶▶ co-ordinate the training of the Angolan police to avoid gaps or duplication and to ensure effective use of funds;
- ▶▶ ensure that the training is consistent with international human rights standards and emphasis is placed on these standards;
- ▶▶ monitor the implementation by the Angolan police of the principles taught in the training and comment on any failures by the police to live up to human rights standards.

Amnesty International further urges the international community, especially governments of states with influence on Angola, to:

- ▶ assist in the provision of human rights training based on international human rights standards in co-ordination with other agencies providing such training;
- ▶ continue to use their influence to encourage the authorities to investigate human rights violations by the police and to bring perpetrators to justice.

# Endnotes

- 1** See case of Antoninho Tchiswugo on p18.
- 2** These included the Law of Crimes against the Security of the State, Law No. 7/78 of 26 May 1978, which, for example, criminalized “counter-revolutionary propaganda”, and Law No. 3/78 of 9 April 1988, which allowed administrative detention for up to 15 years.
- 3** *Jornal de Angola*, 9 February 2004.
- 4** 6, 8 and 10 refer to the number of years of schooling.
- 5** According to the Director of the Patriotic and Police Ethics Education Department and the Director of Police Higher Education, February 2007.
- 6** This replaces Decree-Law 28/93 of 27 August 1993.
- 7** This allows individuals to send complaints about violations of the Convention to the UN Human Rights Committee, set up under the ICCPR, after national remedies have been exhausted.
- 8** Angola’s voluntary pledges to protect human rights were set out in a letter dated 3 May 2007 from the Permanent Representative of Angola to the UN addressed to the President of the General Assembly.
- 9** Article 21(3) of The Constitution of Angola
- 10** *Capital*, 17-24 September 2005.
- 11** Principle 34, Body of Principles; and Article 18 and 20, UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- 12** *O Angolense*, 9-16 December 2006.
- 13** Article 5 (34) of the Disciplinary Regulations.
- 14** Article 5 (48) of the Disciplinary Regulations.
- 15** Article 5 (19) of the Disciplinary Regulations.
- 16** Article 3, para1 of the Disciplinary Regulations.
- 17** Article 8 of the Disciplinary Regulations.
- 18** Disciplinary Regulations of the National Police, para38.
- 19** Disciplinary Regulations of the National Police, para48.
- 20** Press statement by Movimento da Cidadania, Comissão de Camponeses do Wenji Maka and SOS-HABITAT – Accção Solidária, undated.
- 21** Basic Principles, Principle 9, which elaborates on the Commentary to Article 3 of the Code of Conduct.
- 22** Basic Principles, Principle 5.

- 23** Principle 4.
- 24** Decree 41/96, Article 72 §2.
- 25** Decree 41/96, Article 80.
- 26** Decree 41/96, Article 3.
- 27** Article 9(1).
- 28** Article 6.
- 29** In Luanda, these numbers are 113 or 02-33 47 20.
- 30** The critical number should be decided by the inspector on the basis of criteria which would ensure a representative sample.
- 31** "Frustrada manifestação defronte a embaixada da Franca", *Jornal Apostolado*, 9 November 2007, supplemented by information from an interview with Carlos Leitão, President of PADEPA, during the February 2007 mission by Amnesty International.
- 32** Interview with Carlos Leitão, President of PADEPA, February 2007.
- 33** Interview with the Minister of Justice during the February 2007 mission by Amnesty International.
- 34** *O Angolense*, 17-24 2007.
- 35** Principle 34, Body of Principles.
- 36** See section on failure to criminalize torture on p16.
- 37** Agence France Presse, 8 December 2004.
- 38** *Lundas: The stones of death. Angola's deadly diamonds: Human rights abuses in the Lunda provinces*, 2005, Marques R and Falcão de Campos R.
- 39** *Agora*, 25 December 2004, and *Lundas: The stones of death. Angola's deadly diamonds: Human rights abuses in the Lunda provinces*, p24.
- 40** Declaration of Basic Principles of Justice, principle 6 (a).
- 41** Principle 34, Body of Principles.
- 42** Statute of the Justice Ombudsman, Article 18(f).
- 43** Statute of the Justice Ombudsman, Article 3.
- 44** Statute of the Justice Ombudsman, Article 18(a) and (g).
- 45** Complainants who are not satisfied may also take their complaint to a court.
- 46** Statute of the Justice Ombudsman, Article 36(4)

