

ANGOLA

From war to what? No reconciliation without accountability

The Angola peace process, as set out in the Lusaka Protocol of November 1994, is nearing completion. The opposing armies and machinery of war are to be merged and honed into a force which is to protect the nation. Former enemies are striving to restrain old hatreds and build a Government of National Unity and Reconciliation. But when the United Nations Angola Verification Mission (UNAVEM III) leaves Angola, as it is scheduled to do in February 1997, what will happen? Reconciliation cannot be achieved while each side fears a repetition of the mass killings and other human rights abuses which occurred with total impunity during the conflict which followed elections in September 1992.

The UN has patiently woven a political compromise in Angola which will unravel if it does not include mechanisms for the protection and promotion of human rights. Trust between the government of President José Eduardo dos Santos and the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, led by Jonas Malheiro Savimbi, is very fragile. At every stage there are delays and difficulties which could tip the balance towards war.

The difficulties of restoring full respect for human rights in a context of bitterness, mistrust, and lack of accountability on both sides cannot be underestimated. Yet the failure to do so could jeopardize the peace process and the future of over 10 million Angolans. The coming months must be used to find ways to end the impunity which has cost so many lives to ensure that the abuses of the past are not repeated.

As the peace process draws to a close it is vital that action is taken to protect human rights. This report indicates the extent of the human rights problems which have built up over the years under the shelter of impunity. It describes what is currently being done to protect human rights and makes proposals for further actions which can be taken during the next few months to increase human rights protection. Both the government and UNITA have bound themselves to protect human rights: it is important that each translate their words into deeds. They should take immediate steps to ensure that members of the security forces who abuse human rights are brought to justice. They should invite UNAVEM III to assist in the establishment of an independent, impartial body which is able to monitor human rights and ensure that appropriate remedial action is taken. Such steps would encourage civil society -- non-governmental organizations, the media, religious groups, trade unions and professional groups -- to become more deeply involved in the promotion of human rights. The international community has invested much effort in bringing peace to Angola: it should now actively

promote projects to build adequate protection for human rights without which peace will not last.

1. Overview

Since the war against the Portuguese colonial government began in 1961 Angola has never enjoyed complete peace. After independence in November 1975 fighting broke out between the ruling *Movimento para a Libertação de Angola* (MPLA), Movement for the Liberation of Angola, and UNITA. The *Frente Nacional para a Libertação de Angola* (FNLA), Angola National Liberation Front, and armed factions of the separatist *Frente para a Libertação do Enclave de Cabinda* (FLEC), Cabinda Enclave Liberation Front, were also active. All these forces have been associated with gross human rights abuses.

UNAVEM first came to Angola in 1989 to supervise the withdrawal of Cuban troops in preparation for the independence of Namibia. In 1991 the government and UNITA signed the Peace Accords for Angola -- the "Bicesse Accords". The "troika" of governments which brokered the accords -- Portugal, what was then the Soviet Union and the United States of America -- symbolizes the colonial and cold war roots of the conflict. The Bicesse Accords, supervised by UNAVEM II, contained few human rights guarantees and political killings by both sides occurred with impunity¹. Predictably, the fighting which followed the September 1992 elections, which UNITA said were rigged, began with mass killings. Other mass killings occurred throughout this war. UNAVEM III supervises the implementation of the Lusaka Protocol² which supplements and reinforces the Bicesse Accords.

Over 30 years of war have brought Angola, potentially one of the richest countries in Africa, to a state of near collapse. The intensity of the fighting between October 1992, when war resumed, and February 1995, when the cease-fire negotiated at Lusaka came into force, was unprecedented. Almost all the provincial capitals, which before 1991 had largely escaped direct attack, were besieged and bombarded, causing mass starvation and death.

Angola remains divided. Most cities, overcrowded with people displaced by the war, are under government control. Except along the coast, UNITA dominates the surrounding countryside. Each side accuses the other of secretly holding arms. The millions of mines turn fields into death-traps. Check-points mounted by both government and UNITA soldiers impede

¹ Some of the shortcomings of the Bicesse Accords and the human rights violations which took place in 1992 and 1993 are described in *Angola: An appeal for prompt action to protect human rights* (AI Index AFR 12/01/92); *Angola: Will the new government protect human rights?* (AI Index: AFR 12/09/92) and *Angola: Assault on the right to life* (AI Index: AFR 12/04/93).

² The human rights protection provided by the Lusaka Protocol is described in *Angola: the Lusaka Protocol - what prospect for human rights?* (AI Index: AFR 12/02/96)

movement. The lack of freedom of movement, economic mismanagement, corruption, high unemployment and inflation, contribute to the serious economic crisis.

The Lusaka Protocol required that government troops were to be disengaged and over 62,000 UNITA troops were to be confined to assembly areas and disarmed. UNITA's weapons and those in civilian hands were to be collected and stored. Twenty-six thousand UNITA soldiers are yet to be incorporated into the *Forças Armadas de Angola* (FAA), Angolan Armed Forces, which will finally number 90,000 soldiers. All soldiers not incorporated into the FAA, about 100,000, are to be demobilized. The 5,500-strong *Polícia de Intervenção Rápida* (PIR), Rapid Intervention Police, was confined to barracks, though it could be deployed if necessary. Five thousand UNITA members are to be incorporated into the national police force and the PIR. The police are to receive professional training and are required to protect human rights. All prisoners detained in the context of the conflict were to be released³. All these steps have been seriously delayed by disputes and mistrust.

The Lusaka Protocol stipulated that UNITA representatives should be given government posts at all levels; the administration was to be decentralized; UNITA's 70 members of the *Assembleia Nacional*, National Assembly, were to take the seats they had gained in the 1992 elections; and Jonas Savimbi was to be guaranteed a "special status". The government offered the UNITA leader one of the two vice-presidential posts, but this was declined.. The Government of National Unity and Reconciliation has not yet been formed.

The Lusaka Protocol makes detailed requirements for the respect of human rights contained in Angola's Constitution and in international human rights law. UNAVEM III has the task of monitoring observance of these rights and the Joint Commission⁴ which implements the peace accords has the task of ensuring that they are upheld. In February 1995 the UN Secretary-General recommended that human rights specialists should be included among the UN mission's political staff which would have the mandate to "observe the implementation of the provisions related to national reconciliation and provide good offices where necessary". UN Security Council Resolution 976 of 8 February 1995 which established UNAVEM III welcomed the proposal. UNAVEM III has a Human Rights Unit with a staff of 12 including 10 monitors each based in one of Angola's 18 provinces.

³ By July 1996 the government and UNITA had released 365 and 166 prisoners respectively. Thousands captured or detained during the fighting from 1992 to 1994 and in previous years have not been released - many seem to have "disappeared".

⁴ The Joint Commission is composed of the Angolan Government and UNITA, as members, and the governments of Portugal, the Russian Federation and the United States of America as observers. It is chaired by the Special Representative of the Secretary-General of the UN, Alioune Blondin Beye..

The Angolan Constitution contains provisions for the protection of human rights and Angola is a party to the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and other human rights treaties. However, there has been a failure of political will to ensure that these constitutional and treaty provisions are incorporated into national law and applied in practice.



Figure 1 Luanda

Very few of the security officials responsible for human rights violations have been arrested and fewer have been prosecuted. The judicial system lacks resources but the main reason for the failure to prosecute those suspected of human rights violations is the lack of independence of the criminal justice system. Pervasive corruption is another factor: arrest or prosecution can be evaded through bribery or the intervention of powerful friends.

Angola's emerging civic institutions do not as yet play their full part in defending civil and political rights. The opposition parties, apart from UNITA, have few resources and complain that they are denied a role in the peace process. The parliamentary human rights commission has held inquiries into human rights violations but without significant results. There are various national non-governmental organizations, professional and community associations, trade unions

and religious groups but fear prevents most from speaking out against human rights violations. UNITA has community groups but they do not overtly criticize UNITA's human rights abuses.

Most newspapers and radio stations are under government control: the rest are intimidated into self-censorship. Journalists who criticize the government have received death threats, been demoted, or lost their jobs. UNITA's radio station, *Voz do Galo Negro* (VORGAN), Voice of the Black Cockerel, and its weekly newspaper, *Terra Angolana*, the Land of Angola, are entirely partizan. The government has refused permission for the UN to establish a radio station.⁵ This lack of press freedom contravenes the Lusaka Protocol.⁶

In this war-torn, deeply divided, economically unstable country where political leaders have shown little concern for human rights and people fear to speak out there does not seem to be much ground for optimism. What is encouraging is that many people, particularly in non-governmental organizations, the legal and teaching professions, religious groups and political parties, are keen to carry out human rights promotion as they recognize that reconciliation is impossible without respect for human rights.

2. The legacy of human rights abuse

The key to ending human rights abuse is that both the government and UNITA should help to develop a readiness to assume responsibility for ending human rights abuses and avoiding the use of human rights issues as a weapon in the propaganda war.

On 12 July 1996, a mass burial ground containing the remains of at least 60 people, apparently victims of deliberate and arbitrary killings, was discovered by a de-mining team working near the oil industry installations in Soyo in the northwestern province of Zaire (see map, page 17). The remains included skulls with holes suggesting shots to the head, a child's skull and articles of women's clothing and military or police uniforms. Local residents said that the victims were probably people abducted by UNITA which had occupied Soyo from January to March 1993 and again from mid-1993 until November 1994. However, there has been no thorough inquiry into the circumstances in which the killings were carried out and to identify the victims and perpetrators.⁷

⁵ A UN radio station was proposed in UN Security Council Resolution 976 of February 1995.

⁶ Annex 6, Specific Principle II, of the Lusaka Protocol provides for freedom of expression and press freedom and requires that VORGAN's statute should be altered so that it can become a non-party radio broadcasting on authorized frequencies.

⁷ Amnesty International called for a thorough and independent investigation conducted in accordance with minimum international standards contained in the UN Guidelines for the Conduct of UN Inquiries into Allegations of Massacres (Office of Legal Affairs, United Nations, New York, 1995). These include the UN

A government press statement said the graves were "unequivocal proof of party-political intolerance which conflicts with the goals of a democratic, lawful society" and that the massacres "deserve the immediate repudiation and condemnation of the entire international community and [...] dishonour the perpetrators".

UNITA denied responsibility for the killings. UNITA sympathisers claimed in an open letter that the government's announcement of the discovery of the mass graves was political propaganda. They asked about the mass graves of the victims of killings carried out in the past by government officials. They went on to say: "We cannot be forced to obey laws and politicians that permit and facilitate the violation of the essential dignity of a human being. The real question is: after the quartering of UNITA troops are our lives still safe?"

The mutual mistrust is a serious obstacle in the way of reconciliation. The Lusaka Protocol, in Annex 6, General Principle 5, states: "In the spirit of National Reconciliation, all Angolans should forgive and forget the offences resulting from the Angolan conflict and face the future with tolerance and confidence." However, forgetting is impossible and people have the right to know the truth. Various ways of approaching this problem have been attempted to varying effects in other countries. These include setting up international criminal tribunals, as in ex-Yugoslavia and Rwanda; bringing suspected perpetrators before the national courts, as in Ethiopia; and holding truth commissions, as in South Africa. Whatever way of facing the issues is adopted it should lead to recommendations which will put the onus of accountability on the future government of Angola.

The following examples will provide some idea of the magnitude of the problems which throw their shadow over the future. They may also help to provide the basis for some discussion as to how to ensure that such abuses do not recur.

2.1 Political killings in peace time

Dozens of politically-motivated killings occurred during 16-month period of peace which followed the signing of the Bicesse Accords. The peace accords prohibited violence against civilians but the commission implementing the accords was never able to agree to take impartial action when a politically motivated crime occurred. After the killing of UNITA Colonel Pedro Makanga in September 1991 a UN report noted that the commission had decided that the killing "should not be allowed to jeopardize the peace process". In the following months at least 20 other politically-motivated killings occurred but none were thoroughly investigated. The failure to act heightened tension and suggested to the perpetrators that killings could be used with impunity as a political weapon.

2.2 Mass killings by both sides during the 1992-1994 war

Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions.

AI Index: AFR 12/06/96

Amnesty International October 1996

During the conflict which broke out in October 1992, the scale of killing was unprecedented. UNITA suspects in government-controlled areas were rounded up and killed. In UNITA-held areas people with official functions and connections with the MPLA were targeted. Amnesty International has received many testimonies of extrajudicial executions carried out by the government and deliberate and arbitrary killings⁸ by UNITA during this period. Witnesses have given detailed accounts of individual killings and provided lists of friends or neighbours they believe to have been killed but it is usually impossible to corroborate these details independently. Estimates given by those involved in the conflict are often contradictory and are usually inflated for political reasons. In accordance with Amnesty International's practice, the numbers estimated in the following paragraphs are conservative: the true figures could be much higher.

2.2.1 Killings and other abuses by government.

Intense fighting broke out in Luanda on 31 October 1992. Government forces attacked UNITA offices and residences. The PIR and the ordinary police, assisted by civilians to whom they had distributed arms in the preceding weeks, carried out house-to-house hunts for UNITA supporters. Many hundreds died in the cross-fire or were deliberately killed. Hundreds of others were taken into police or military custody. Prisoners were taken in truck loads to the Camama cemetery on the outskirts of the city where they were shot and buried in shallow graves. Another mass grave is reported to be at Morro da Luz, a steep ravine in the Samba area of Luanda, where suspected UNITA members were taken to be pushed off. There are also reports of mass graves in other towns and cities.

In January 1993 killings and other abuses took place in Luanda and other areas of people belonging to the Bakongo ethnic group, which spans northern Angola and southern Zaire. The killings followed reports that Zairean mercenaries had assisted UNITA in its attack on Soyo and that a Bakongo commando was in Luanda to assassinate President dos Santos. Official sources said that 12 people were killed but unofficial sources said that over 60 had been killed and many injured. In January 1994 the Minister of the Interior announced that the cases of 17 soldiers and seven civilians suspected of involvement in the incidents were being dealt with by the courts and another nine cases were pending the location of witnesses. However, it appears that those detained were released without being tried.

⁸ Extrajudicial executions are extra-legal, summary and arbitrary executions by soldiers, police or other public officials or others acting at the instigation or with the consent or acquiescence of such government officials. Amnesty International uses the phrase "deliberate and arbitrary killing" either where the perpetrators are not known or when wilful killings take place on the authority of an armed political group or with its acquiescence. Both the government and UNITA are bound by the provisions of the 1949 Geneva Conventions. Common Article 3 prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against anyone taking no active part, or no longer taking part in hostilities.

In the cities of Benguela, Lubango, and Lobito the pattern of killings was similar to that in Luanda. In November 1992 UNITA offices and residences were attacked and UNITA officials and supporters were arrested or killed. Another wave of killings occurred in January 1993. One of the victims was Constantino Chitwe, a teacher and church worker, who was dragged from his house in Benguela and shot dead. He had been released from prison under an amnesty law in 1991. Arrested in 1981 for suspected activities in support of UNITA, he was sentenced to 16 years' imprisonment in 1983 in a trial which fell short of international standards. About 400 victims of extrajudicial executions were reportedly buried in a common grave in Lobito. Hundreds of other people were killed in the surrounding villages. None of these deaths have been the subject of official investigations and the perpetrators are protected from prosecution by the amnesty law of 8 May 1996.

2.2.2 Killings and other abuses by UNITA

When war resumed in late October 1992 UNITA regrouped its troops and immediately captured Caxito, the capital of Bengo province.

Augusto Gomes and his family fled from Nambuagongo, Bengo province, in April 1993 after witnessing people from the village being rounded up and shot. One of Augusto Gomes' cousins was killed and his body then cut to pieces. The Gomes family and about 300 of their neighbours now live in a camp in PortoQuipire. Scores of people were killed in Gombe in April 1993. They reportedly included Matias Inácio da Silva Neto, a member of the MPLA Provincial Committee, who had been buried up to his neck and left to die.



Figure 2 Augusto Gomes and his family

In Benguela province people fleeing from towns occupied by UNITA had similar reports of killings and “disappearances”. Ganda, a town between Lobito and Huambo, was held by UNITA between October 1992 and August 1993. People who fled to Benguela city claimed that UNITA had carried out “man-hunts” (*caça ao homem*) aimed mainly at government officials, MPLA officials and police. The victims reportedly included Lourenço Teixeira, a teacher, who was killed on 24 October 1992.

UNITA captured Huambo, Angola’s second city, in March 1993 after a 55-day siege during which an estimated 10,000 people were killed. Government soldiers, police and civilians suspected of supporting the MPLA were arrested and many were killed. Others “disappeared” including Joaquim Tavares, a judge, and Valdemar Peres da Silva, a Portuguese draughtsman resident in Angola. When the government recaptured Huambo in November 1994 citizens gave graphic accounts of abuses they had suffered. Women said that they had been raped by UNITA soldiers. There were reports of labour camps, imprisonments and killings. In February 1996 UNITA released some people whom it had taken prisoner in Huambo but neither Joaquim Tavares nor Valdemar Peres da Silva was among them.

Local people also told journalists that government troops, after recapturing Huambo in November 1994, had carried out human rights violations including summary executions of looters and vengeance killings.

2.3 Killing of internal dissidents

Both the government and UNITA have deliberately killed civilians suspected of assisting the opposing side in some way. There have also been mass killings of internal dissidents - people who opposed or were suspected of opposing their respective leaders' policies.

In the aftermath of a coup attempt on 27 May 1977 thousands of people were imprisoned and interrogated, often under torture. Some were executed after grossly unfair trials held in secret by a specially constituted court. Many hundreds were executed without any semblance of a trial and buried in mass graves around Luanda and in other areas..

UNITA held mass rallies in 1982 and 1983 at which dozens of people accused of being witches, some of whom were internal dissidents, were burned to death. In 1991 Fernando Wilson dos Santos and his brother-in-law, Pedro "Tito" Chingunji, and members of their families were killed. Former UNITA representatives in Portugal and the USA respectively, they had been recalled and were tried in 1989 on charges of plotting against UNITA.

2.4 Another peace - more killings

Since November 1994 Amnesty International has recorded over 150 deaths reported as politically-motivated killings by government or UNITA officials. In most cases there were few details and it was impossible to attribute responsibility. Many of the allegations concern people who were killed after moving from an area under government control into a UNITA-held area or vice versa and who were suspected of being spies for or supporters of the other side. The Joint Commission which implements the peace accords has not been able to take appropriate action to ensure that violations of the human rights provisions of the Lusaka Protocol are thoroughly investigated and those responsible brought to justice.

"[T]he situation [in Angola] remains a matter of grave concern, in particular allegations concerning extrajudicial, summary or arbitrary executions of unarmed civilians as well as of journalists. The Special Rapporteur expresses his wish that more attention will be paid to human rights in the peace process..." (Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, July 1996)

Ricardo Melo, director of a small independent publication, *Imparcial Fax*, was shot in the chest at point-blank range as he ascended the stairs to his flat in Luanda in the early hours of 18 January 1995. He had criticized corruption in the police and military and several law suits concerning other articles he had published were pending. He had frequently received anonymous death threats. The results of a police inquiry into his death have not published to date.

Adão da Silva, UNITA's Provincial Secretary for Luanda, was killed on 14 July 1995. A former high ranking government police officer, he joined UNITA in 1991 and was elected to represent UNITA in the National Assembly. On the evening of 14 July, Adão da Silva and a FAA captain were reportedly driving near the airport when two men wearing police uniform drove up beside them and fired shots, killing both of them. One of the presumed killers was said to have been caught but no further action appears to have been taken.

Human rights violations by members of the security forces are a daily occurrence and most take place with complete impunity. Police earn very low salaries and many demand bribes or otherwise abuse their powers to supplement their wages. There are reports of police shooting suspects instead of trying to arrest them or carrying out killings while themselves committing robberies. Killings by government soldiers also occur through the indiscriminate use of force, as in Cabinda City in May 1996 when a woman was killed and several people injured. Both government and UNITA security forces are accused of indiscriminate killings of diamond prospectors and other civilians in northeastern Angola.

“.. like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole.” (Preamble to the UN Code of Conduct for Law Enforcement

Angola abolished capital punishment in 1992 and before that had not used the death penalty for over four years. However, UNITA continues to sentence people to death for both political and non-political offences in accordance with its internal regulations and military law. On 28 September 1995 João Lourenço Madalena (24) and José António Cristina (26) were executed in Nkama Nsoke village in northwestern Angola. They, with four other men and three women, had been summarily tried on charges of collaborating with a government army reconnaissance group and sentenced to death. People from the surrounding villages were forced to watch the trial and execution. After the two men were executed the villagers fled and the other executions were not carried out. Instead the seven survivors were held in prison until November 1994 when the government regained control of the area.

In early October 1995 UNITA announced that it had sentenced 10 men to death on charges of murdering women and children in Negage, Uige province, in September 1995. UNITA invited UN personnel and representatives of the ‘troika’ of observer governments to witness the execution. The UNAVEM head, Alioune Blondin Beye, appealed for their lives and UNITA ordered a stay of execution.

2.5 Further human rights abuses in peace time

Since the Lusaka Protocol was signed in November 1994, in addition to political killings, there have been numerous reports of other human rights abuses. These include acts of torture in

UNITA-controlled areas, arbitrary arrests by government police, and abuses by soldiers which have gone unpunished.

In areas under UNITA control there are frequent reports of civilians and UNITA soldiers being severely beaten in public as an example to others. Instruments of torture include a whip with many thongs and a pebble tied to the end of each. Other punishments include tying the victim upside-down to the trunk of a tree and leaving him overnight.

João André Lina is crippled as the result of a severe beating known as *candambala*. His niece, during a visit to her relatives in Kivemba-Zinga village, which is under UNITA control, had been detained for several weeks in early 1995 as a suspected government spy. After she fled to Soyo UNITA officials decided that a member of her family should receive an exemplary punishment. João André Lina was forced to lie face-down on some sticks and two men armed with sticks each gave him 50 lashes on the back. The rest of the family were obliged to watch. He fainted with pain and his back was lacerated and bones broken.

UNITA members and those suspected of sympathising with UNITA continue to be arbitrarily detained. About 60 people arrested in Uige on 29 September 1995 were accused of being UNITA sympathizers. They were held in 15 containers. They received food and were allowed some exercise. They were held for about six weeks without charge or trial. UNITA and the UNAVEM III Human Rights Unit raised the matter in the Joint Commission but the government delegation failed to explain the grounds for the arrests and the reasons for ordering the detainees to report to the police twice a week as a condition of their release. Members of the same group were re-arrested and held briefly in May 1996.

On 25 May 1996 Father Konrad Liebscher, a German Roman Catholic priest, was arrested while driving in Luanda with posters stuck to his car. In May the political climate was particularly tense. Inflation had decimated salaries. Demonstrations had been planned but were deterred by the deployment of the PIR. Konrad Liebscher's posters asked whether things like the lack of clean water, a decent wage and freedom of expression were all the result of war and called on people to "*acordar os nossos responsáveis*" - waken those in authority - by demonstrating peacefully. The *Tribunal de Policia de Luanda* (municipal court) set the hearing for 27 May but postponed it for a day. This gave more time for the lawyer - several were approached before one agreed to take the case - to prepare the defence. During the trial the prosecutor changed the charge of "provoking crimes against the security of the state" to that of carrying out a demonstration without seeking prior permission. Konrad Liebscher was found guilty and given a suspended one-month prison sentence. He has appealed against the conviction on the grounds that displaying posters did not constitute a demonstration. The prosecution has appealed against the suspension of the sentence. The Supreme Court has not yet considered the appeals.

2.6 Evading accountability

The lack of a sense of accountability on the part of both the government and UNITA constitutes a serious obstacle to reconciliation. Both sides have consistently evaded any attempt to carry out thorough investigations of human rights abuses and failed to adopt corrective or preventive measures. In the very few cases where inquiries have been reported there have been no concrete results, which calls into question the sincerity of the inquiries.

Some of the relatives of the hundreds extrajudicially executed in 1977 have been officially informed that their relatives are dead but to date the authorities have not revealed the circumstances of their deaths or apologised for what happened.

A 13-member parliamentary commission of inquiry into the killing of members of the Bakongo ethnic group in January 1993 (see above, page 7) issued its report in January 1994. A National Assembly resolution condemned the killings and other abuses, called for those responsible to be dealt with severely and requested the parliamentary human rights commission to investigate and act to prevent such problems but rejected a motion for paying compensation to the victims. Apparently, none of the 33 suspects were ever tried.

A UNITA Commission of Inquiry into the Deaths of the Chingunji and dos Santos Families (see page 9 above) in March 1992 found that the killings had been ordered by a former UNITA Minister of Interior in November 1991. The commission was led by Jeremias Chitunda⁹, UNITA's Vice President, who was reportedly tried with Pedro "Tito" Chingunji, Fernando Wilson dos Santos and others in February 1989 and found guilty, on the basis of tenuous evidence and without the right of defence, of complicity in a plot against UNITA leader Jonas Savimbi. This experience compromised his ability to conduct an investigation impartially. As the commission of inquiry did not fulfil the fundamental requirements of independence and impartiality its findings must be regarded, at most, as inconclusive.

Although UN human rights standards call for officials responsible for serious violations of human rights such as extrajudicial executions, torture or "disappearance" to be brought to justice, most of those who have carried out human rights abuses before 8 May 1996 are protected from prosecution by amnesty laws. The Law of Amnesty of 8 May 1996 was preceded by the amnesty laws of July 1991 and December 1994. It grants amnesty for all crimes against the security of the State and all related crimes committed in the framework of the armed conflict as well as all military crimes committed between 31 May 1991 and 8 May 1996. The amnesty law was provided for in the Lusaka Protocol.

3. UNAVEM III and human rights protection

⁹ Jeremias Chitunda was among the UNITA officials killed in Luanda in October 1992.

Most of the components of UNAVEM III have some tasks relating to the protection of human rights. Military observers (380), “blue helmets” (about 6,000) and civilian police (250) carry out patrols, assist with the confinement and disarming of troops and monitor the behaviour of Angolan soldiers and police. Their work includes monitoring the human rights provisions of the peace accords. However, few countries provide courses in human rights monitoring for the personnel they contribute to UN peace-keeping forces and there are reports that some have turned a blind eye to human rights abuses.

The task of monitoring human rights is principally entrusted to the UNAVEM III Human Rights Unit (see page 3 above). The very existence of this unit is a significant precedent in Angola where there has been no tradition of independent human rights monitoring. It is therefore vital that the unit’s work should be effective.

The unit’s main task is to monitor and report on violations of the human rights provisions of the Lusaka Protocol. It has received most complaints of violations from the government and UNITA. In a report published for limited circulation in April 1996 it gave details of 39 cases, some involving groups of alleged victims. Unresolved cases were submitted to the Joint Commission with recommendations for action. In most cases no action was taken so the unit submitted these cases to the UN Centre for Human Rights in Geneva which forwards cases to appropriate UN bodies for action.

The Human Rights Unit’s April 1996 report shows that the Joint Commission fails to take its responsibility for the protection of human rights seriously. For example the government failed to respond to a UNITA allegation in October 1995 that Professor Zacharias David had been kidnapped by government forces in March 1995 in Uige, tortured and executed. UNITA inaction is exemplified by its failure to respond to an appeal made in October 1995 for the release of the two sons of Bernardino Machado who were allegedly being held in UNITA custody in Cuanza Norte province.

The Human Rights Unit’s work is not widely known in Angola and this seriously detracts from its effectiveness. It is difficult to contact the unit either in person at UNAVEM

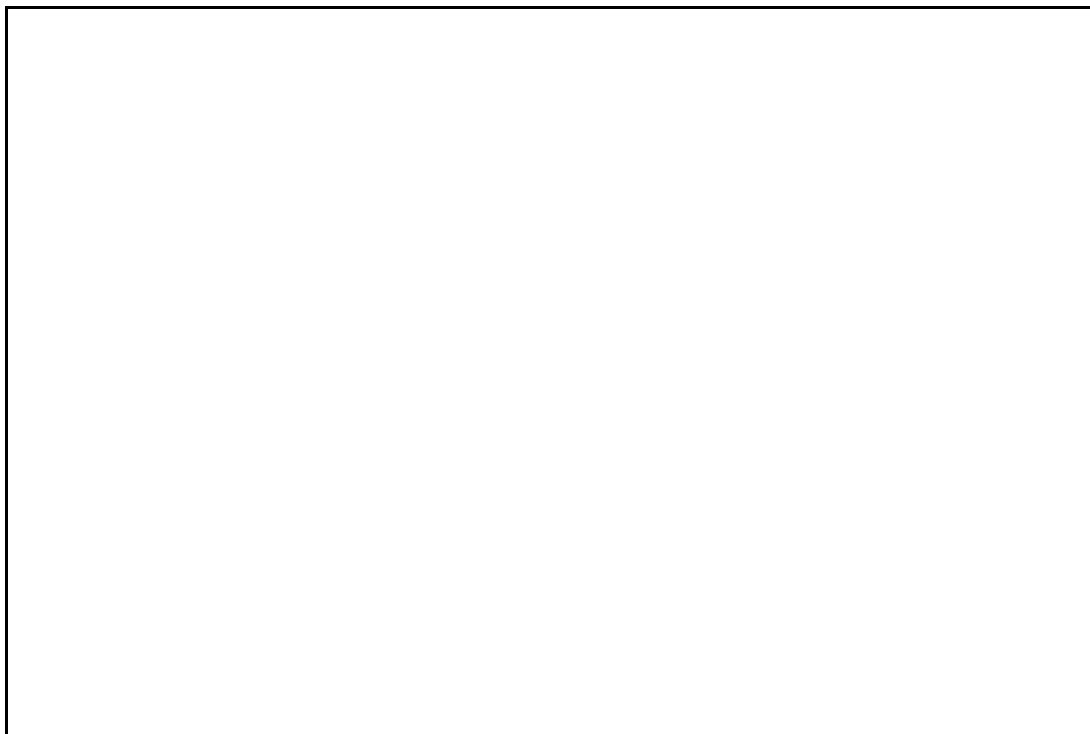


Figure 3 “National Reconciliation equals Guarantees for Human Rights” - the theme of a seminar organized by the Human Rights Unit held in Negage in June 1996. National seminars were held in November 1995 and January 1996 and two other regional seminars took place in Lobito in February and Lubango in April 1996

III headquarters outside Luanda or by telephone. The unit has also failed to make its mandate, working methods and methods of ensuring the protection of witnesses known: those who do know of the unit are therefore reluctant to submit cases.

The successes of the unit include the introduction of human rights as a routine item on the Joint Commission’s agenda. It has also undertaken human rights promotion by arranging a series of human rights seminars and planning other forms of human rights promotion including the establishment of groups of citizens in each province who take on the task of promoting human rights awareness in their areas.

The UN’s *Unidade de Coordenação de Ajuda Humanitária*, Unit for the Coordination of Humanitarian Assistance, which provides assistance to UNITA soldiers in the quartering areas, has developed, in collaboration with UNITA, an elementary course in

civic education for quartered UNITA soldiers which includes human rights education.

4. Recommendations

The future for human rights in Angola is in the balance.

This document has attempted to show how human rights abuses have proliferated in the absence of adequate safeguards. There is a need to confront the abuses of the past and to build guarantees to prevent a recurrence. Amnesty International recommends that action should be taken immediately to set up a minimum framework for the protection of human rights during the final phase of the peace-keeping operation and the initial period under the proposed Government of National Unity and Reconciliation. The international community should participate in this task by providing the necessary material and other support.

The most important elements of a minimum framework for human rights protection would be an effective, independent and impartial mechanism to monitor and protect human rights and a comprehensive program of human rights promotion. This would provide the confidence necessary for reconciliation and for the development of a strong civil society capable of undertaking human rights monitoring and promotion. Political leaders could assist and accelerate this process by publicly informing their supporters that abuse of human rights will not be tolerated and taking action to give effect to their commitments.

1. The political leaders -- who have bound themselves to respect the human rights provisions of the peace accords and who have also made public statements of their commitments to protecting human rights -- must prove their commitment by taking immediate concrete steps to introduce a culture of accountability. Those suspected of being responsible for human rights violations must be brought to justice.

2. Most people in Angola have not had the opportunity to learn that they have human rights under law. It is necessary that they should be informed about their rights and how to complain if these are violated. Civil society, including the media and non-governmental organizations, should undertake human rights promotion. These groups should press those in authority to uphold all constitutional rights and those contained in international treaties to which Angola is a party. The government should provide all necessary cooperation.

3. The government and UNITA, through the Joint Commission, and with the advice and assistance of UNAVEM III, should propose the establishment of a commission or other body which could take over the protective functions of the UNAVEM III Human Rights Unit on conclusion of the peace process. This body should consist of people of recognized impartiality, independence and competence. It should have the duty and full powers to investigate all issues relating to the implementation of fundamental rights and freedoms as defined in the Constitution

and the international human rights treaties to which Angola is a party and to ensure that appropriate remedial action is taken. The body should be required to publish regular reports on its inquiries, recommendations and the responses of the authorities. It should be given appropriate resources to enable it to carry out its functions. Initially, this human rights monitoring body should be assisted by international human rights monitors and other experts, particularly experts in investigative work.

4. If there is to be peace and reconciliation in Angola the heavy legacy of human rights abuses will have to be confronted and dealt with. The truth must be exposed and measures taken with regard to those responsible. There are various models for achieving these ends and it is vital that whatever method is chosen should be widely supported in Angola. One way to begin would be to hold a national consultative conference involving people from all sectors of Angolan society to discuss and decide what must be done. Foreign experts who have been involved in dealing with their own countries' human rights records in times of change should be invited to share their experiences. The deliberations and recommendations of the conference should be published and circulated widely in Angola. The timing and preparation of such a conference would have to be chosen carefully as many people would be prevented from participating for fear of reprisals.

5. The international community, including international governmental organizations and government aid donors, should encourage the Angolan government to increase protection for human rights and provide financial and other support for human rights initiatives including those suggested above and also:

- C support the growth of the independent media including by providing material support and training opportunities for journalists;
- C assist in building an effective criminal justice system which is able -- in addition to its other roles in protecting human rights -- to ensure the prosecution and fair trial of those who are suspected of violating human rights;
- C until such time as an independent and impartial judicial system is able to guarantee full human rights protection, promote the training of para-legals -- people with sufficient legal training to enable them to assume some of the functions of lawyers, and who could help to prevent human rights violations within the criminal justice system;
- C help to ensure that security force personnel are adequately resourced in accordance with the UN Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials. This requires, under Specific Issue 2, that "All law enforcement officials shall be adequately remunerated and shall be provided with appropriate working conditions";
- C promote human rights training within the security services in the context of other training to ensure a greater degree of professionalism;
- C ensure that agreements which involve the transfer to Angola of military, security or police equipment, technology, training or personnel should give prior consideration to the human

- rights consequences of such transfers which should not be authorized if they are likely to contribute to human rights violations;
- C support the efforts of UNAVEM III's Human Rights Unit in the protection and promotion of human rights.

6. The UN Security Council should ensure that the UN supervised peace process is not considered complete until adequate protection for human rights, without which peace will not last, is established.