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SITUATION OF HUMAN RIGHTS ACTIVISTS IN ANGOLA



«This is a comprehensive attempt to analyse and describe the reality of activists that are facing persecution, death threats, unfair trials and precluded from ascending to social dimensions within societal structures and workplace ranks, we have contacted some of them to facilitate an evaluation of the situation, these activists have been fighting towards the defence of Human Rights»



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INTRODUCTION

Liberty is a value aspired by people worldwide. However, it is a value not yet enjoyed by every human being.

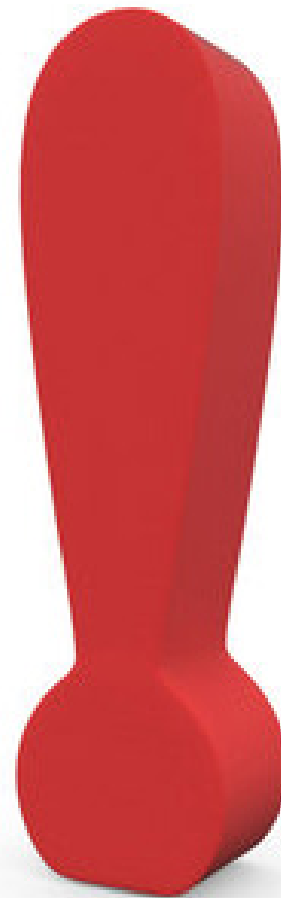
This is a comprehensive attempt to analyse and describe the reality of activists that are facing persecution, death threats, death, unfair trials and precluded from ascending to social dimensions within societal structures and workplace ranks, we have contacted some of them to facilitate an evaluation of the situation, these activists have been fighting towards the defence of Human Rights.

Various contacts were made via telephone, firstly a presentation of the objectives of the report was carried out, in this process we noted mixed reactions, some activists were abrasive, as a result of way they have been slandered and all the insults projected against them; others preferred that interviews were conducted in person, for fear of being auscultated by telephone.

Despite the serenity of some and the loss of breath of others they all had something in common: altogether they felt the urge to see the current scenario transformed, through their voices a desire was manifested to attend the funeral of impunity, corruption and nepotism and to see equality and due process being reborn in the country.

The report puts into perspective the country that has just emerged from another election, with the absence of partisan alternatives, the president who ruled the nation for thirty-eight years was to be replaced as a president of the republic. Since the inauguration of the current president, it seems we are living a hope that comes in a format of speeches directed at combating corruption, impunity, the resignations of some of the entities who were power addicts from the previous government (albeit they all belong to the same team) the incumbent president seems to be interested in winning the hearts of the people who “never” knew liberty and freedom and other forms of governance. In the meantime, there is still not much to be predicted in terms of the light that shines in the dark to display the pathway; relative to practice of hopeful speeches: some say, they are temporary winds that will be drowned by the power of corruption of the President's party.

A retrospective portrayal of the year 2017, showcases much of governance matrix left by ceasing president.



METHODOLOGY

This report resulted from an exploratory method. It applied a survey technique through questionnaires and interviews with closed and open questions. Initially it explored some documents ratified and adhered to by the concerned country, as well as its constitution comparative to freedom of expression, through its official pages and we also utilised some reports about human rights.

Surveys were sent by email to a number of human rights defenders who were victims of gross

violations, they were contacted via telephone prior to receiving the survey. The interviews were extended to activists of Huambo, Benguela, Kuan-do Kubango, Huila, Cabinda and Luanda.

Due to unknown reasons, many activists had decided not to respond to questionnaires. Others because there was no physical presence of the interviewer, felt uncomfortable and abstained from completing questionnaires. Obviously, these were constraints during the survey.



1. RATIONALE FOR REPORT



Angola is a country deeply marked by distrust amid the political power in relation to civil society: individuals and organizations. This intolerant view by State bodies and its members, has been translated into persecution, judgement, murder, harassment, threat and precluding activists and human rights defenders in accessing the few opportunities that society offers.

These activists carry out their work with an attempt to uphold human rights in different areas, with greater emphasis on human rights issues at the local level. Deadlocks to their achievements are at the core within national level. State structures, individuals with power in governance and flatterers have been the greatest stumbling blocks in the activities of human rights defenders.

The aim of the project has an intrepid outlook and perspective into penetrating facts, it does not only showcase functional gaps, but also to awaken or press the right institutions that should curb impunity and promote justice.

Therefore, it is intended to show that society is not oblivious to acts of human rights violations.

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2. SOCIO-ECONOMIC CONTEXT

Angola is a rich country in natural resources, however lives the paradoxes of such wealth. The contrasting reality between the revenue emerging from two of its minerals and the standard of living is unacceptable. As a result, basic infrastructure such as good roads, electricity supply, the distribution of drinking water, basic sanitation is still precarious for its population.

Angola's water reserves represent 0.5% of the world's total reserves, being the second largest natural water reserve of Africa and the third in the world, after Brazil and the DRC . Luanda its capital, is the hub of the country due to its density and privilege for service provision, regrettably it finds itself without proper distribution of drinking water in all its districts. The supply of water is done by fountains and cistern trucks. Despite the Chinese government's assistance with some backyards plumbing system, the residents of the Cazenga municipality complain that the project cannot be trusted, because in addition to many municipalities not having these water pipes, those who have, the access to water is not regular and sometimes, when the water drips from taps, it comes with a lot of impurities. According to the same study, by 2010 the country had a population of about 20 million people, three years later it was confirmed that population increased over 25 million inhabitants, there were 2.737 million fountains at the national level.

Angola produced by 2009, 13,827 million carats of diamonds valued at USD; 1,179 billion².

Angola has oil as its fundamental resource in the economy, its reserve is among the largest in sub-Saharan Africa³. With these two powerful minerals being explored with intensity, poverty has become the hallmark of a governance that seems to make sense of the national budget practices that in a revenue of 17.8 billion from oil, a quarter of the revenue, disappears from the state coffers without leaving a trace⁴. These practices have led to other services such as education and health being poorly covered in the general budget of the State and consequently the non-fulfilment of the economic, social and cultural rights and duties embodied in the Angolan Constitution.

These practices have led with certainty to



complaints on the part of the human rights defenders and they have been answered with repression.

As a result, some of the Human Rights defenders are seeking asylum abroad (abandoning their habitat and dreams at the local level), others feel strongly threatened and even have difficulties to ascend professionally into management positions, others see their families dipped in fear; not only of the defenders being killed but also the constant intimidation to their families, others have lost their jobs through defamation, some are on the verge of losing their jobs. The word that best describes the current situation of human rights defenders is continuing insecurity.

¹ https://www.fidh.org/IMG/pdf/angola_obs_eng_19_mars_2015_ok.pdf accessed on 07/01 / 2018.

² <https://www.fidh.org/en/region/Africa/angola/angola-they-want-to-keep-us-vulnerable-human-rights-defenders-under> accessed on 14/01/2018.

³ <http://www.achpr.org/pt/instruments/> accessed on 07.01.2018.

⁴ Ditto

3. COMPREHENSIVE OUTLOOK WITHIN LEGAL DIMENSION AND INTIMIDATION

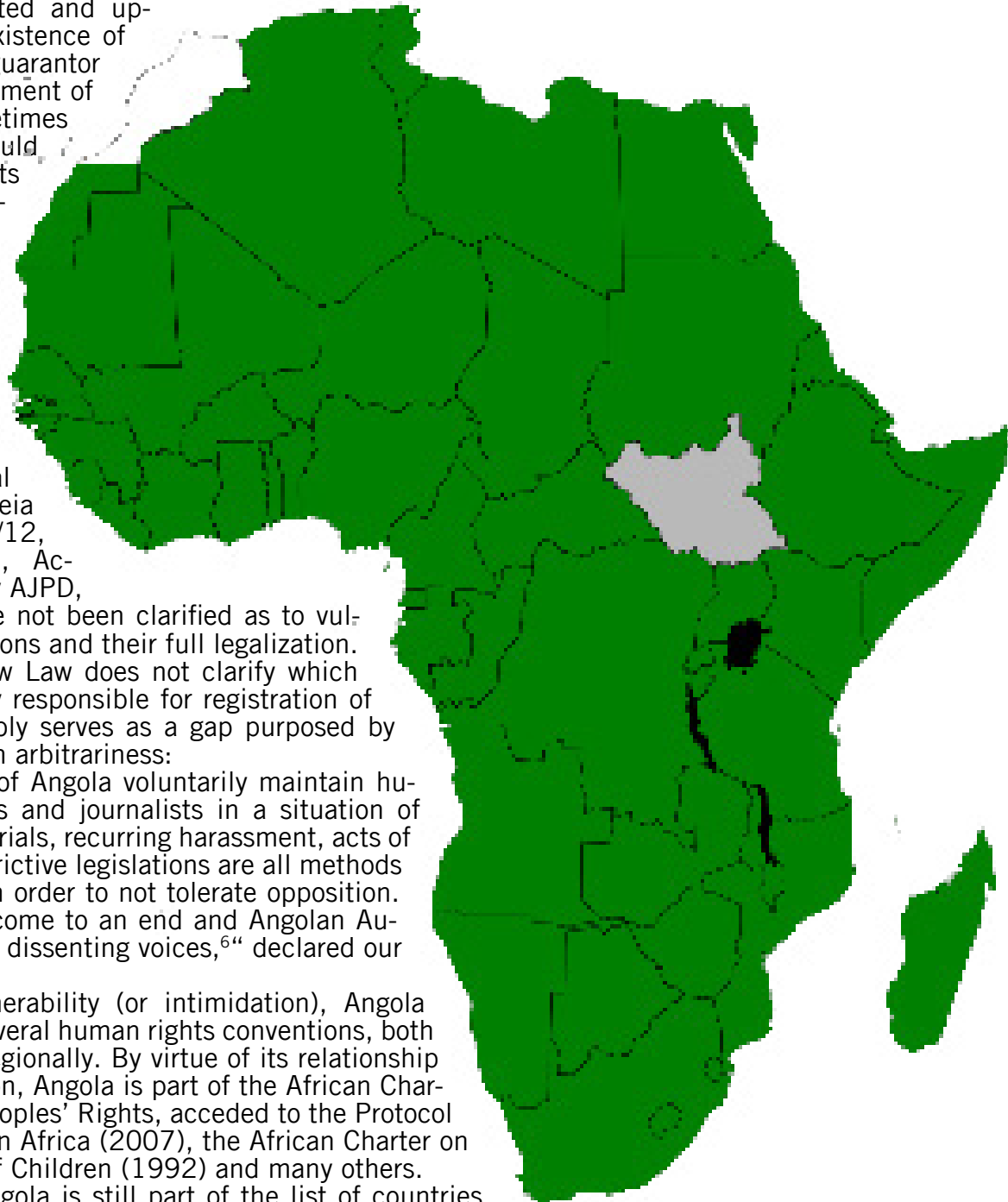
A belief manifested and upheld by us is that existence of laws alone is not the guarantor of the practical enjoyment of human rights. Sometimes the law itself that should ensure that such rights were upheld is intimidating and violates fundamental guarantees. History and recent practice demonstrate our conviction.

In the Law on Associations adopted on 30 November 2011 by the National Assembly “Assembleia Nacional” (No. 6/12, January 18, 2012), According to a report by AJPD, the former gaps have not been clarified as to vulnerability of associations and their full legalization. Article 11 of the new Law does not clarify which is “the national body responsible for registration of associations.” Probably serves as a gap purposed by authorities to act with arbitrariness:

“The Authorities of Angola voluntarily maintain human rights defenders and journalists in a situation of vulnerability. Unfair trials, recurring harassment, acts of intimidation and restrictive legislations are all methods used by the States in order to not tolerate opposition. This situation must come to an end and Angolan Authorities must accept dissenting voices,⁶” declared our Organizations.

Despite this vulnerability (or intimidation), Angola joined and ratified several human rights conventions, both internationally and regionally. By virtue of its relationship with the African Union, Angola is part of the African Charter on Human and Peoples’ Rights, acceded to the Protocol of Rights of Women in Africa (2007), the African Charter on Rights and Welfare of Children (1992) and many others.

Unfortunately, Angola is still part of the list of countries that have not ratified to one or more legal instruments⁷. It has not ratified the most important conventions both in the region and in the UN. For example, the African Charter for Democracy, Elections and Governance, the African Charter Protocol on the Establishment of the African Court of Human and Peoples’ Rights, at the regional level.



⁵ Sweco Groner Apud Nelson Pestana. Poverty, Water and Sanitation. Luanda: CEIC-UCAN April, 2011.6 MARQUES, Rafael. Blood diamonds: corruption and torture in Angola. Lisbon: Tinta-da-China, 3rd edition, September 2011, pp 25.

⁶ MARQUES, Rafael. Blood diamonds: corruption and torture in Angola. Lisbon: Tinta-da-China, 3rd edition, September 2011, pp 25.

⁷ LOPEZ, Philippe Seville. Oil geopolitics. Lisbon: Institute Piaget, 2007, pp 147.

It is still pervasive to see citizens unable to exercise their profession; others are dismissed from their jobs within civil service, when they defend human rights in general and express and disseminate their opinions, this is a violation (by the authorities) of Article 8 of the African Charter of Human and Peoples rights which enshrines “ Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

2. Every individual shall have the right to express and disseminate his opinions within the law.“

On the other hand, the Angolan Constitution in its Article 40 on freedom of expression and information states:

“1. Everyone has the right to express, disseminate and share freely their thoughts, their ideas and opinions by word, image or any other means, as well as the rights and freedom to inform and be informed without hindrance or discrimination.

4. Offenses committed in the exercise of freedom of expression and information do incur the author into disciplinary responsibility, civil and

criminal, under the law.“

In many cases when the authorities understand that a defender of human rights incurred a breach of freedom of expression, they use their power to slander and make the defender lose other rights such as the right to work enshrined in Article 76 paragraph 1.

“Work is a right and a duty of all.” One way to weaken human rights defenders is through unfair and unlawful dismissal unless the employer exercises the duty of fair indemnity.

Angola ratified legal instruments on human rights and they are safeguarded in its Constitution, but according to Cruz⁸

“Thus, the dominant power maintains an insecure environment towards critical opinion makers; and builds an economic welfare image through its supporters, projected at the media under their control (...) Such procedures hurt the liberal conception of democracy, it contradicts with all the achievements of international law and human rights ...

As mentioned in the previous pages, these practices have been denounced by human rights defenders a description of their cases is confirmed below.

One way to weaken human rights defenders is through unfair and unlawful dismissal unless the employer exercises the duty of fair indemnity



3.1 CASES OF VIOLATIONS OF HUMAN RIGHTS CONCERNING ACTIVISTS

CASE N.º 1: BENGUELA

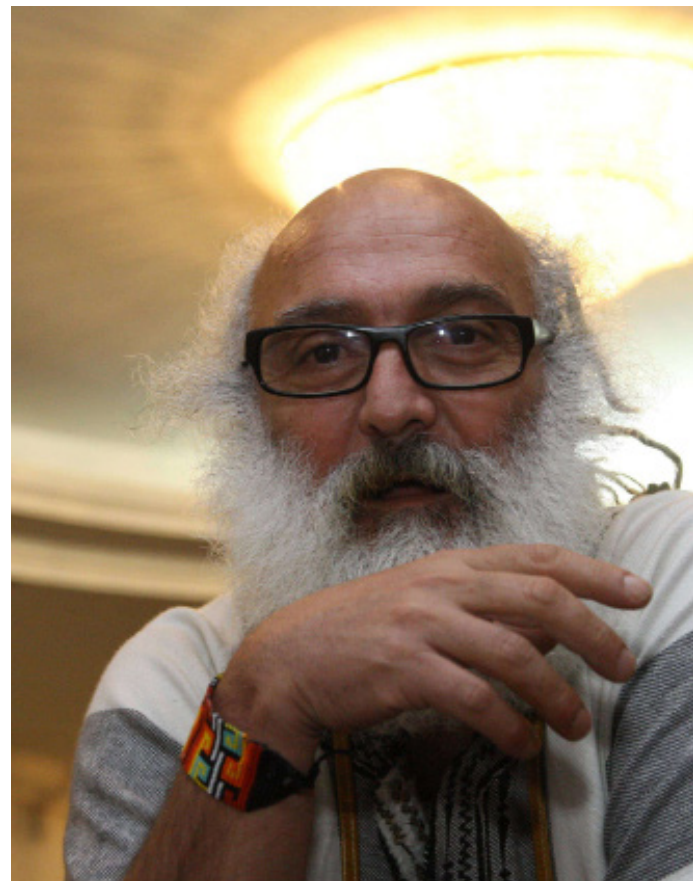
To understand the context of the Benguela province, in relation to intolerance and the risk that activists face, we have asked from a civic leader Jose Patrocínio, a local resident of Lobito, 55-year-old, agronomist, and Executive Director of the OMUNGA organization he submitted by phone, without any fear, his views were as follow:

The context of reality has changed a lot this last year (2017). Things changed moments before and after the elections, he describes three moments: before the elections, moments in which the results of the elections were awaited, and eventually post-election. He pointed out that it was necessary to take into account the geographical issue, such as what could differentiate the situation of activists.

Further, he said that before the elections the atmosphere was tense, with the involvement of citizens in the electoral process. There were no direct threats but there was plenty of defamation. He presented his example, and cited publications made on social networks: photos of himself naked were published, with insults, posters on the outskirts of his street (Lobito). In Bocoio, he suffered threats by the administrative entities including threats coming from the commander, he was unable to work there, things have however, settled down a bit now (December 6, 2017). It seems that now institutions are now becoming more receptive, in terms of positive communication, it is better to make best use of this, due to any possible setbacks in the future.

Concerning insults, that he experienced, his reply was there was no protection from the legal point of view, in fact, he does not trust the institutions (police investigations and in Judicial system) because there is no guarantee of safety from them. The only level of trust that exists in the Angolan context is summarised by the credibility towards one's immediate workplace and family. Their goal, as observed has been to "destabilize people's moods" by a creation of fearful atmosphere, in order to drive away family and friends, this attempt in the meantime has failed, as it has only strengthened the family bonds and friendships, this is the best protection (the counsel and advice of caring people who sympathise with one's issues).

The degree of intolerance, has been described as being persistent. Possibly a new form of management is at birth. He again mentioned the Bo-



JOSÉ PATROCÍNIO

coio municipality incident that caused injury to an estimated number of thirty people, fifty houses were burnt, shops were looted, cars wrecked (after the results of Elections) and the rejection of parties or groups, and any other inadequate situation that could occur, the contours caused were adverse. He saw the MPLA militants together with their counterparts from UNITA, he saw the administrators and chiefs in Belo Monte in a meeting, their reactions, in an obvious way clearly showed intolerance reigning in the community. AND, He pointed that a study carried out by the Research Centre of the Catholic University of Angola regarding the interaction at the condominium from Social Security Fund of FAA confirmed a fact that purports caricature:" the children whose parents are from MPLA are forbidden to interact with the children whose parents are from UNITA "i.e. there is no communication between them, they do not even play together (this fact is recurring, even after last elections). Thus, according to one activist, intolerance is in the two parties it is in their heads and in their hearts and this



RAFAEL MARQUES DE MORAIS

does not change the situation by replacing a president, by the way, the higher authorities of the state hierarchy do not observe positive examples of tolerance.

Also cited by the prominent activist Rafael Marques de Morais denouncing the death squads of the Criminal Investigation Service (SIC), they murder militants from the UNITA party in Viana and Cacuaco where these citizens live.

Our respondent argues that if there is no work of peace-building, in a concrete way within communities fostered by the authorities (government, police, political parties and other forces) the construction of segregation (MPLA communities, UNITA communities) will continue as the Belo Monte example shows, without harmonious integration among Angolans from different parties, which indicates that there was not truly a pro peace demobilization process.

There is an urgent need for a non-partisanship process by the state apparatus, non-partisanship of chiefs, police and the government (with local authorities).

He stressed that the uproar that occurred in the Monte Belo had economic motives, i.e., there were attempts to create confusion, using the party's name with intentions of robbing the homes of militant citizens of UNITA and there were also cases (in the past year) where they were assaulted, their money was appropriated by fraud.

In measuring the degree of intolerance, the narrator - civic personality ranked it as high and, for him, it is not simply political bias but also ra-

cial, religious (often disguised under the carpet) sexual, cultural contexts and beyond.

There are reports coming from the area of Balombo, reporting situations, that confirm aggression has occurred at the end of 2017 to two or one person for allegedly joining the religious group Kalupeteka which is associated with the UNITA political party.

The civic personality also mentioned that he felt threatened with attempts to be boycotted in carrying out his activities at the organization that he runs, he is also being accused of receiving money from the Americans to cause social unrest. He has not faced death threats; however, he feels he must be careful.

Regarding trials, the respondent said that there are cases of unfair trials. He cited the case of arbitrary arrest by the police and the trial and conviction of some residents, which took place in October this year when residents were trying to occupy land, that allegedly belongs to the administrator of Sonangol, Isabel dos Santos (daughter of former President José Eduardo dos Santos).

Relative to facts, José Patrocínio claimed that the problem does not only exist in Angola however at the global level, and much of the conflict within international arena has roots in the system of economic motivations (fruits of capitalism). The difference lies in the fact that in some developed countries (for example: France, Portugal and the United States), citizens still believe in their judicial institutions, but Angolan citizens do not believe in their courts.

CASE N.º 2: HUAMBO

Carlos Elavoko, 32-year-old resident of San Pedro, Vice Coordinator of “HOMEA-Horizonte Media de Angola” in an established communication via “Facebook” on 16 December of the past year, said that the situation in that province is calm. He noticed that the level of intolerance is low in general terms however, noted that there are some incidents within specific municipalities, namely: Bailundo, Chingenge where cases of flags being torn and thrown out is evident.

On the other hand, he declared that he never felt wronged by government authorities and also mentioned the existence of exclusion of members of the Church denominated as a sect “a Luz do Mundo” by the founder Julino Kalupeteka.



JULINO KALUPETEKKA

CASE NO 3: CABINDA

Name: José Marcos Mavungo.

Age: 59.

Address: District - A Victória é certa, Cabinda.

Location: Cabinda.

Date of occurrence: During 2017.

Type of activity exercised: I was a Logistics Software Administrator at Chevron, while I taught at Lusíada Higher Institute of Angola – Cabinda Branch (ISCPL) and at the Private Higher Institute of Angola - Cabinda Branch (UPRA) as a Human Rights Activist.

Brief description of the occurrence: After spending 433 days in detention at the Penitentiary Unit of Cabinda (Civil Prison), I felt that persecution persisted this year 2017. There were always people who contacted my family warning them that I must leave activism, lest I would lose my life. Even at the universities where I lectured and Malongo, where I worked for the past 15 years, my life was very unsafe. At the Private Institute of Angola, I was not accepted as a Lecturer anymore. And at the Polytechnic Institute of Lusíadas in Cabinda, persecutions were more evident in the requirement placed upon me that I should have a Masters or Doctorate degree to qualify as a permanent staff. At Chevron, where I also worked, I had no moral to continue work; as persecution in this company was evident by subterfuge/impediments to promotion and false judicial process created by the Angolan intelligence services in collaboration with some of Chevron Management board which cost me an arrest of 433 days. Therefore, I decided to continue my studies in Portugal where I am right now.



JOSÉ MARCOS MAVUNGO

CASE N.º 4: LUBANGO

Name: Domingos Francisco Fingo.

Age: 54.

Address: Lubango.

Location: Lubango.

Date of occurrence 23 and 24 August 2017.

Type of activity exercised: completed the promotion of a regional workshop on “the use of information technology and prevention of political and electoral conflicts” which invited the representatives of political parties competing for the general elections, representatives of rural communities in the municipalities of Gambos, Chibia, representatives of civil society organizations based in the province of Huila, among others. This workshop on the prevention of political conflicts in the general election in conjunction with several interviews which I granted to Radio mais, Radio Eclásia, Radio Despertar, Voice of America, Voice of Germany, TV-ZIMBO and TPA had much impact at national and international level and allowed a shift of attitude towards fanaticism in Party politics that usually flowed into violence during election. This civic position with impartial humanitarian nature, cost me death threats around the 23 and 24 August 2017.

Brief description of the occurrence: the date of the general election August 23, 2017, I received a phone call from an unknown number around 15h31m. I tried answering the phone but the other person would not say anything. After some insistence on my part, the person hung up the phone because his articulation was not audible to me.

The man or agent found that I had difficulties to understand what he uttered, around 15 h40m, he sent me the following message:

“I will kill you flec hoge, there is no police on the streets they have used my family in the Gambos to meddle in politics. Worst, today you will see God near you. I already have my boys on the ground. You son of a mare!”

In response to his message, I replied to him the following:

“Amen God bless you since you are immortal!”

He angrily addressed to me again with the following message:

“You flec! you are trying to recruit my family to stay in Gambos against MPLA during elections. Today I will kill you when you leave the field. I am checking all your steps and your house including



DOMINGOS FRANCISCO FINGO

your friend Pio. You are selling the homeland. “

The agent, unhappy with my indifference, due to content of messages, decided to address to me again with the following message:

“Dog, answer the phone!”

At the end he sent me the following message:

“Before I shove a bullet up in your head, you must tell me why you use my...?”

Now you will rely on your grandparents of flec in heaven. Mbote mbuko Nzau. “

After the agent had found that I decided to be silence, on this same day 23 August, 2017, he decided to call me again, having made eight (8) calls from 9PM to 09:06PM.

He called me four times and I did not answer him on the 24 August between 10:25 to 10:30AM

He made eight telephone calls on 25 August, 2017, from 9:51 to 10h02, and I ignored it.



CASE N.º 5: LUBANGO

Name: Francisco Rodrigues Jaime.

Age: 37.

Address: Tchavola.

Location: Tchavola.

Date of events: January 2017.

Type of activity exercised: Spokesman for residents committee of the Tchavola community

Brief description of occurrence: I spoke at the SIC Portuguese television program, about the abandonment and neglect of government towards the people, who resettled in the jungles of Tchavola. And in retaliation the provincial governor asked the members of the school board of Kwaua school No16, in order to arrange for a defamation so I could be dismissed from the Education System as a Teacher.



SERRA DE ASSUNÇÃO PEDRO BANGO

CASE N.º 06: LUANDA

Name: Sierra de Assunção Pedro Bango

Age: undisclosed

Address: Hoje ya Henda, Cazenga.

Location: Viana.

Date of events: August

Type of activity exercised: At the time in the presence of the European MP, Dr. Ana Gomes, who came to Angola at the invitation of the AJPD, we had an agenda of activities which included several contacts at various levels, the visit of MP

Dr. Ana Gomes, occurred at a particular time of revindication protest to guarantee rights of people. The climate of tension was lived and bad relations between the MPLA and that MP will have aroused the interest of the intelligence services. I cannot say the purpose that was intended with such persecutions because I did not feel anything new for me or some worthy occurrence of enhancement happening in my life or the people close to me, it has caused some discomfort, especially because it was not me who realized that I was being persecuted.

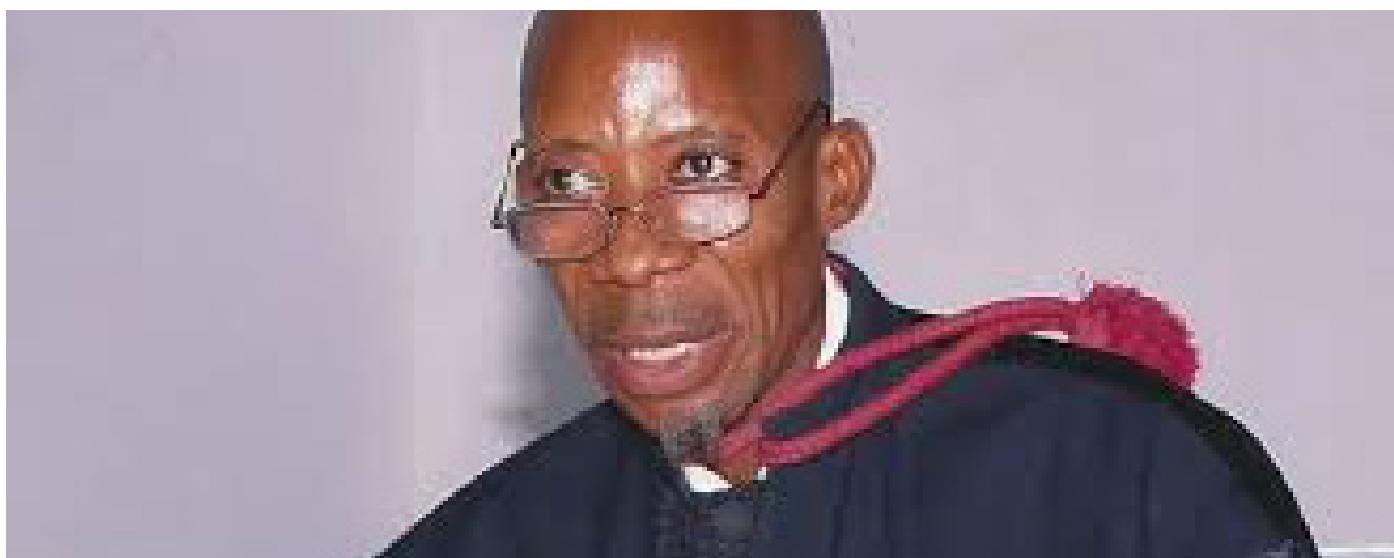
CASE N.º 07: CABINDA

Back to Cabinda, among several cases that had occurred, December 16, 2017 saw the arrest of several activists. Here are some of the information passed by the activity coordinator that resulted in arrests⁹:

Twenty-nine activists were arrested when mobilized to start a demonstration against the violation of human rights, civil murder, corruption and social degradation.

People were arrested without any arrest warrant, says Arão Bula Tempo, the coordinator. With police everywhere hunting activists, some activists were tortured. “He accused the Angolan

government of discriminating against the people of Cabinda to prevent the demonstration.” You cannot understand why in Luanda and other provinces of Angola people are granted these citizenship rights, and the people of Cabinda cannot protest, “complains the activist. for him,” the problem is the identity of the people of Cabinda, relative to the underdevelopment of the province. “Despite the rebuke, Tempo says he has nothing to fear. Because he is “aware that the people have aspirations to have their own identity” but asks: “If we are arrested because of a protest what else cannot possibly happen to our people?”



ARÃO BULA TEMPO

RECOMMENDATION

Among several reports already written and published in light of the constant human rights violations attributed to the government's competent institutions in Angola, these reports have not been successful due to lack of a political will and seriousness of the institutions. For a country that has joined and ratified a number of legal instruments at the regional and universal level and con-

tinues its acts of violation of human rights, it is difficult to believe that the recommendations of this miniscule work would make a big difference.

The ultimate recommendation is addressed to the people, they must join forces against the repudiation of rights, expressing recurrently injustices, otherwise, the laws will always be a mere legal and constitutional formalism.



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