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HUMAN RIGHTS COMMITTEE COUNTRY REPORT

Angola

Independent information for the 105th session

of the Human Rights Committee (HRC)

**HUMAN RIGHTS LITIGATION AND INTERNATIONAL ADVOCACY
CLINIC
AND HUMAN RIGHTS PROGRAM
UNIVERSITY OF MINNESOTA**

CRITICAL ISSUES

Right to Life (Article 6)

Preventing and punishing excessive use of force with firearms by law enforcement and security forces

Enacting and enforcing comprehensive licensing legislation

Providing disarmament and reintegration programs to demilitarize the population

PROPOSED QUESTIONS FOR THE GOVERNMENT OF ANGOLA

1. Each year from 2007 – 2011, there have been reports of extrajudicial killings by police officers using small arms and light weapons. Please explain what laws, regulations and training protocols are being implemented by military and police officials to prevent the misuse of force with small arms and light weapons (SALW) that results in extrajudicial killings. Has the training implemented in 2009 been modified to address this continued misuse of police-issued firearms?
2. Please explain existing and proposed legislation to license and regulate SALW, including the type of registration, and type of marketing of weapons allowed? What governmental entities are responsible for implementing these standards?
3. What disarmament and demobilization programs are being implemented to encourage disarmament and the reintegration of former soldiers into civilian life? Describe the training, meetings, and workshops being utilized to further these goals.

I. INTRODUCTION AND BACKGROUND

Angola has made significant strides in the past decade to address issues related to small arms and light weapons (SALW). In an attempt to implement the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons (UNPoA), Angola has created the National Commission for the Materialization of the Programme of Action and the National Commission on the Disarmament of the Civilian Population.¹

With the peace declaration in April 2002, Angola began the long process of demilitarization, especially of members of the National Union for the Total Independence of Angola (UNITA).² Of the 100,000 UNITA combatants who moved into designated quartering areas, 5,000 were hired as national police or military.³ All were provided with identification cards, travel authorizations, salary (based on rank), and food assistance.⁴ Once home, former combatants received a reinstallation kit.⁵ Reintegration was to be overseen by the Institute for the Socio-Professional Reintegration of Ex-Combatants.⁶

Aiding returning combatants in their return home was quickly followed by a national effort to disarm former military members.⁷ However, due to continued concern that weapons stashes existed throughout the country,⁸ the Angolan government initiated the above-mentioned Programme of Action for the Disarmament of the Civilian Population.⁹ This Programme has created police-community forums and joint policing operations, organized public events to raise awareness about lethal weapons, and held disarmament seminars for NGOs, citizens, government officials, and religious groups on the UNPoA implementation.¹⁰

In addition to raising public awareness, the government collected over 74,000 weapons from 2008—2010, mostly through voluntary surrender. Communities received rewards of household items when members surrendered weapons.¹¹ These collections of civilian firearms are still taking place throughout the country. In April 2012, in the central province Bie, police

¹ *Report on Angola's Implementation of the Plan of Action on Small Arms and Light Weapons*, United Nations Programme of Action Preparatory Committee, 2010 [*hereinafter* 2010 Report].

² *Forgotten Fighters: Child Soldiers in Angola*, Human Rights Watch, Vol. 15, No. 10 (April 2003), available at <http://www.hrw.org/sites/default/files/reports/Angola0403.pdf> [*hereinafter* *Forgotten Fighters*].

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Coming Home: Return and Reintegration in Angola*, Human Rights Watch, Vol. 17, No. 2 (March 2005), available at <http://www.hrw.org/sites/default/files/reports/angola0305.pdf>.

⁷ *Report on Angola's Implementation of the Plan of Action on Small Arms and Light Weapons*, United Nations Programme of Action Preparatory Committee, 2008 [*hereinafter* 2008 Report].

⁸ *Id.*

⁹ *Id.*

¹⁰ 2010 Report, *supra* note 1.

¹¹ *Id.*

seized illegal firearms from the local population,¹² while civilians surrendered 119 firearms to local police in the northern province of Bengo.¹³

An additional issue Angola faces is an ongoing conflict with armed separatists in the Cabinda province.¹⁴ The Front for the Liberation of the Enclave of Cabinda (FLEC) has challenged the claim that Cabinda is a province of Angola since Angola gained independence from Portugal in 1975.¹⁵ The end of the civil war in 2002 did not resolve this issue and FLEC maintained that Cabinda's status was not resolved.¹⁶ Even after a 2006 peace agreement with a segment of FLEC, there has been sporadic fighting and the misuse of weapons against civilians by members of the Angolan army¹⁷ and FLEC.¹⁸ A recent example of the latter is a 2010 attack by FLEC which resulted in the death of three Togo football players who were traveling in Cabinda.¹⁹ Six others were injured when FLEC militants fired on the team using machine-guns.²⁰

In early April 2012, the Front for the Liberation of the Enclave of Cabinda made overtures regarding peace talks with the Angolan government, to end the armed conflict.²¹ The leader of FLEC, Henrique N'Zita Tiago, contacted the central government in Luanda about negotiating a peace treaty, but it was not clear if Tiago had the full backing of the entire FLEC group.²²

In general, the demobilization and SALW collections in the majority of Angola are successful examples of efforts made by the National Commission for the Materialization of the Programme of Action and the National Commission on the Disarmament of the Civilian Population. However, there is further work for the government. Three areas in particular are stalled after the government's initial positive initiatives: (1) providing adequate training of and exercising proper control over police officers and the military to prevent extrajudicial killings and other human rights violations committed with small arms, and bring to justice officers who have committed such crimes; (2) updating legislation on private purchasing, ownership, and licensure of small arms; and (3) negotiating a peaceful solution with Cabinda separatists, and the disarmament and reintegration of former military members.

¹² *Angola: Police Seize Firearms in Illegal Possession of Civilians*, ALL AFRICA (April 23, 2012), available at <http://allafrica.com/stories/201204240228.html>.

¹³ *Angola: Over 100 Firearms Surrendered in Bengo*, ALL AFRICA (April 22, 2012), available at <http://allafrica.com/stories/201204230104.html>.

¹⁴ *Country Profile Angola: The Long-Lasting Conflict in Cabinda*, Genocide Watch (March 6, 2012), available at <http://www.genocidewatch.org/angola.html> [*hereinafter Country Profile Angola*].

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See *infra*, notes 50-52, and accompanying text.

¹⁸ *Id.*

¹⁹ *Three Dead After Gun Attack on Togo Football Team*, BBC NEWS (Jan. 9, 2010), available at <http://news.bbc.co.uk/2/hi/8449978.stm>.

²⁰ *Id.*

²¹ Tom Burgis, *Cabinda Peace Call Offers Glimmer of Hope*, FINANCIAL TIMES (April 6, 2012).

²² *Id.*

II. STATE OBLIGATIONS WITH REGARD TO SMALL ARMS AND LIGHT WEAPONS

A. State Obligation Not To Violate the Right to Life with Small Arms and Light

*A state's first duty under the SALW Principles is negative: not to violate the right to life in its officials' acts or omissions regarding the use of small arms and light weapons. Second, a state must regard the standard of necessity and proportionality in the use of force by law enforcement.*²³

1. Proper Education and Control of Armed State Agents²⁴

Nongovernmental organizations have documented a persistent problem of extrajudicial killings by law enforcement officials using SALW.²⁵ In May 2007, police officers unlawfully shot and killed two youths,²⁶ and in 2008, a shooting involving police officers and the President of UNITA resulted in the shooting death of a 14-year-old boy.²⁷ In both cases, authorities claimed that investigations were continuing, but no further information was provided by the government to Amnesty International.²⁸

Angola made revisions to police policy in 2009 and created a model for policing which regulated the use of force.²⁹ But that same year, eight young men were shot by a group of police officers.³⁰ While the officers involved in the shooting maintained that they only returned fire

²³ Prevention of Human Rights Violations Committed with Small Arms and Light Weapons, endorsed by Sub-Com. on the Promotion and Protection of Human Rights res. 2006/22, U.N. Doc A/HRC/Sub.1/58/L.11/Add.1 at article 1 (24 Aug. 2006) [*hereinafter* SALW Principles].

²⁴ *Id.*, at article 3 ("In order to prevent the violation of human rights committed with small arms, Governments and State agents shall ensure strict enforcement of the rules and regulations they adopt, including a clear chain of command over all officials authorized by law to use force and, in particular, small arms. Governments shall ensure that arbitrary or abusive use of force carried out with small arms, including but not limited to force used by any State agent, is punished as a criminal offence.")

²⁵ See *Angola Report: Human Rights in Republic of Angola*, Amnesty International (2007), available at <http://www.amnesty.org/en/region/angola/report-2007> [*hereinafter* 2007 AI Report]; *Angola Report: Human Rights in Republic of Angola*, Amnesty International (2008), available at <http://www.amnesty.org/en/region/angola/report-2008> [*hereinafter* 2008 AI Report]; *Angola Report: Human Rights in Republic of Angola*, Amnesty International (2009), available at <http://www.amnesty.org/en/region/angola/report-2009> [*hereinafter* 2009 AI Report]; *Angola Report: Human Rights in Republic of Angola*, Amnesty International (2010), available at <http://www.amnesty.org/en/region/angola/report-2010> [*hereinafter* 2010 AI Report]; *Angola Report: Human Rights in Republic of Angola*, Amnesty International (2011), available at <http://www.amnesty.org/en/region/angola/report-2011> [*hereinafter* 2011 AI Report].

²⁶ 2007 AI Report, *supra* note 25.

²⁷ 2008 AI Report, *supra* note 25.

²⁸ *Id.*

²⁹ 2009 AI Report, *supra* note 25.

³⁰ *Id.*

upon the group of young men, eye witnesses reported that the young men were killed after they were in police custody.³¹ The witnesses said that the youths were told to lay on their stomachs on the ground, and it was only then that they were shot.³² The seven police officers involved in the shooting were arrested in late 2009 and went to trial for murder in 2010.³³ In early 2011, all were convicted and sentenced to 24 years imprisonment.³⁴

Cases of unlawful killing by police officers using SALW continued to be reported during 2010 and 2011.³⁵

In late January 2010, Roberto Yava Chivondu was shot by a police officer in Namibe province as he rode home on his motorbike.³⁶ The officer who shot Chivondu in January 2010 was convicted and sentenced to 20 years in prison.³⁷ In August 2010, when a number of youths were being beaten by police in Benguela province, Jorge Euclia attempted to protect his little brother who was in that group.³⁸ Euclia was shot three times in the stomach by a police officer.³⁹ Euclia survived the attack, but the government denied that the police officer had shot him, the government did not undertake an investigation, and no one was arrested for the shooting.⁴⁰

In May 2011, William Marques Luís and Hamilton Pedro Luís were found dead in Angola's capital, Luanda, after they had been arrested without a warrant by several police officers. The recovered bodies of both men showed signs of torture as well as multiple gunshot wounds.⁴¹ Later that summer, Valentino Abel was shot and killed by a police officer when the officer began shooting indiscriminately during an altercation.⁴² Abel, who was not involved in the original altercation, died after being shot three times by the officer.⁴³ In all three deaths, no information was provided by the Angolan government as to legal proceedings against the accused police officers.⁴⁴

As recently as April 2012, anti-government protests in Luanda were broken up by police officers carrying SALW.⁴⁵ Human Rights Watch reported that five rallies of peaceful protestors

³¹ *Id.*

³² *Id.*

³³ 2010 AI Report, *supra* note 25.

³⁴ 2011 AI Report, *supra* note 25; see also *Angola Police Officers Jailed for 24 Years for Killings*, BBC NEWS (March 22, 2010).

³⁵ 2010 AI Report, *supra* note 25; 2011 AI Report, *supra* note 25.

³⁶ 2010 AI Report, *supra* note 25.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ 2011 AI Report, *supra* note 25.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Angola: Violent Crackdown on Critics*, Human Rights Watch (April 2, 2012), available at <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics> [*hereinafter* *Violent Crackdown*].

were forcefully dispersed by uniformed and plain-clothes police officers between January 2012 and April 2012.⁴⁶ For example, on March 10, 2012, both uniformed and plain-clothes police officers armed with pistols dispersed a peaceful protest in Benguela using dog squads and water cannons.⁴⁷ On February 4, 2012, when striking health workers gathered in front of the union office in Cabina City, police used water cannons and dog squads to disrupt the protest.⁴⁸ Armed police officers are a common form of intimidation used at protests, and Human Rights Watch has voiced concern about this trend given the presidential elections which will be held later this year.⁴⁹

In addition to police misuse of SALW in dispersing protests, the Angolan army has used SALW in their interrogation of Cabinda prisoners who are accused of rebellion.⁵⁰ Human Rights Watch interviewed lawyers who reported their clients had suffered severe injuries from firearms while in police custody.⁵¹ One detainee told Human Rights Watch that he was threatened with weapons while in custody as members of the military interrogated him about FLEC weapons stashes.⁵²

B. State's Due Diligence Obligation to Prevent Small Arms and Light Weapons Violations by Private Parties

The due diligence standard to protect the right to life from violence by small arms and light weapons includes the responsibility to take steps to prevent reasonably foreseeable abuses by private actors (occurring within a state's own territory).⁵³

As part of Angola's implementation of the UNPoA, the national government undertook a comprehensive review of existing SALW legislation in 2008.⁵⁴ The study conducted by the Angola federal government deemed the standing legislation inadequate to address the current issues facing the country.⁵⁵

Various sources indicate that Angola has begun working on legislation, but, according to the most recent publicly available information, the proposed domestic legislation that would require stricter controls to prevent the misuse of firearms has yet to be adopted and implemented. The 2010 Report on the Implementation of the Plan of Action on Small Arms and Light Weapons noted that the government had begun drafting an amendment to legislation regarding

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ "They Put Me in a Hole:" *Military Detention, Torture, and Lack of Due Process in Cabinda*, Human Rights Watch (2009) at 14-16, available at <http://www.hrw.org/sites/default/files/reports/angola0609webwcover.pdf>.

⁵¹ *Id.* at 14.

⁵² *Id.* at 15.

⁵³ SALW Principles, *supra* note 23, at preamble.

⁵⁴ 2010 Report, *supra* note 1.

⁵⁵ *Id.*

private ownership of small arms and light weapons, but the suggested changes and goal dates for ratification and implementation were not specified.⁵⁶ Also, the Angolan federal government has indicated it will repeal an Official Order which prohibited all imports and sales of small arms and light weapons in order to make way for a new national department which would conduct all importation and regulation of small arms.⁵⁷ This national department could be one mechanism to address the increased crime rate in urban areas that Angola's state report mentioned.⁵⁸ However, the regulations on importation of SALW under this new department have not been defined and no mention of registration or licensure of civilian-owned small arms and lights weapons has been mentioned or proposed.⁵⁹

III. CONCLUSION

While Angola is to be commended for its significant action to address SALW issues, the prevalence of SALW continues to compromise the achievement of human rights in the Angola due to the continued misuse of SALW by police officers in extrajudicial killings, the lack of up-to-date legislation on civilian purchasing and ownership of SALW, and the continued conflict in Cabinda. We thank the Committee for its interest and hope that attention to SALW issues can assist in deterring future violations.

Submitted by:

Jennifer M. Green, J.D.
Britt Johnson
Human Rights Litigation and
International Advocacy Clinic
University of Minnesota Law School
95J Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
Tel: +1-612-625-7247
jmgreen@umn.edu

Barbara A. Frey, J.D.
Director, Human Rights Program,
Institute for Global Studies
University of Minnesota
214 Social Sciences Building
267 19th Avenue South
Minneapolis, MN 55455
Tel: +1-612-626-1879
freyx001@umn.edu

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, First Periodic Report—Angola, International Covenant on Civil and Political Rights Human Rights Committee, CCPR/C/AGO/1, at paragraph 33 (March 3, 2011).

⁵⁹ 2010 Report, *supra* note 1.