

AJPD Human Rights Annual Report 2005

Angola: Violation of my Rights Hidden by the Country's Peace Process and Expectations for the Next Elections

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I. Acknowledgements

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II. Executive Summary

1. The Justice, Peace and Democracy Association (Associação Justiça, Paz e Democracia – AJPD) is an Angolan organization, with a nation-wide focus, created in accordance with Angolan law, on May 21, 2000, in Luanda. AJPD’s main objective is to contribute to the active, conscious and responsible participation of Angolan citizens in the process of consolidation of a democratic state, the rule of law, peace, development and respect for human rights in our country.

AJPD's work also focuses on researching, documenting and denouncing violations of human rights in Angola.

After the publication in December of 2005 of the Human Rights Report on the Angolan Justice System August 2000 – October 2005, now, AJPD publishes the present annual human rights report for 2005: "Angola: Violation of my Rights Hidden by the Country's Peace Process and Expectations for the Next Elections."

After the end of the military conflict in 2002, Angola began a peace process and sought to consolidate the Rule of Law and Democracy subsequently legitimizing its institutions. In this context, Angolans are anxious about presidential elections. However, during the same period, human rights violations persist throughout the country.

Although respect for human rights is one of the basic tenets of a Democratic State and the Rule of Law, current violations of human rights in Angola raise grave concerns. The National Police frequently beat, arrest arbitrarily or illegally and commit summary executions of Angolans suspected of committing crimes. The Fiscal Police of Luanda (Fiscais do Governo Provincial de Luanda), a tax inspection force, in the name of establishing order among street vendors, frequently mistreat defenseless citizens.

Prison conditions in Angola continue to be precarious and violate national and international human rights norms. In these facilities, detainees are subject to mistreatment, torture, beatings and other humiliating and degrading treatments. At this writing, there were some 8,300 detainees in the

Angolan prison system (See, AJPD Human Rights Report on Angolan Justice System).

Police and tax inspectors are also responsible for the use of disproportionate force against citizens in the course of forced evictions – often arbitrary and illegal - and destruction of their homes. Apart from having their goods apprehended and/or destroyed, thousands of Angolans in urban centers, like Luanda, but also in rural regions, are beaten and arbitrarily arrested, in violation of the country's Norm of Administrative Procedures (Normas e Procedimentos Administrativos).

Violence against women still reaches high rates. Angolan women and girls still suffer discrimination based on family or structural practices. This is particularly worrisome in light of the absence of effective legal means to protect women's rights. For example, Angola lacks a specific legislation on sexual or domestic violence. In addition, traditional legal practices in some regions of Angola are discriminatory against women.

Angolan HIV-positive or AIDS victims also suffer from the lack of an effective national medical treatment program. Treatment and distribution of antiretroviral medication is mostly centralized in the capital, Luanda, and administered with restriction in Kunene and Cabinda. In practice, this means that HIV-positive and AIDS patients must travel to Luanda by their own means without any governmental assistance for treatment. Many HIV-positive that travel to Luanda for treatment are also subject to other disturbances that might be fatal such as distribution of medication that has already expired and the delays of their appointments due to numerous patients and the lack of material and human resources to assist them.

It is also unfortunate that despite the Angolan Constitutional and international legal guarantees of freedom of expression, Angola still finds incidents of disrespect and abuse against rights of freedom of expression, association and reunion. In addition to the reported abuses and threats against journalists in several regions of Angola, activists and members of civil society have been victims of abuse and unnecessary and arbitrary violence virtually every time they promote criticism or protests against public policies and/or public officials that violate fundamental human rights.

There are many reasons that contribute to the continuation of human rights violations in Angola.

This report does not intend to address all human rights violations in Angola during the year of 2005. We document only the abuses and violations that AJPD reported, or those related to victims or persons with whom AJPD had contact during its activities. In this report, for example, we have not included, among others, violations against the rights of children, though it is well known that Angola is among the nations where the rights of children are most frequently abused.

In this report, we include grave violations of human rights committed in several provinces but mainly in Luanda. However, this does not mean that the provinces that are not cited in this report do not present violations of rights. We do not include details of the violations committed in conflict zones; such is the case of Cabinda.

For this report AJPD visited several detention centers and interviewed hundreds of detainees, prison agents, police officers, journalists, activists

and human rights defenders, members of church groups and educators from several provinces beginning in late 2004, and throughout the year of 2005.

In this report, whenever needed, the names of witnesses and victims have been changed for their protection.

INSTANCES OF HUMAN RIGHTS VIOLATIONS

III. Police Violence

Police Violence in Angola is one of the most frequent violations of human rights. In 2005, AJPD documented more than twenty cases of arbitrary detention, illegal detention, excessive use of force and summary executions. These cases, however, cannot serve as global indicator nor as a basis for comparisons with previous years due to the lack of data for prior periods. AJPD believes, however, that the incidence of police violence has been similar in past years. Further, we recognize a trend forward intensifying abuse if the reform program of the National Police is not completed and those officials that commit violations of human rights are not identified, tried and punished.

At the same time, AJPD recognizes the effort that National Police authorities have devoted to the promotion, education and rehabilitation of its staff. Difficulties such as low salaries, delayed payments, lack of organization for positions and low salaries and the prevalence of widespread impunity contribute to the sense of dissatisfaction, abuse of power and corruption within police force.¹

¹ See, for example, *A Capital*, “Funcionários da Polícia Nacional não se revêem na prometida remodelação”; Luanda; March 26 to April 2; 2005.

In July, a group of officers in Benguela, including, sergeants and agents of the Third Rapid Intervention Police Unit (Terceira Unidade da Polícia de Intervenção Rápida, PIR), reported having suffered mistreatment imposed by local superintendent and commander Sebastião João “Manico”. The mistreatment included forced labor in farming and in the husbandry of cattle, pigs and goats. The officers reported that they were also subjected to threats, extortion and other punishments.²

In mid-2005, cuts in the salary of computer operators, clerical workers, agents and civil workers generated a series of protests against the National Police.³ Other agents that had been expelled from the National Police for abuses and extortion also organized a public protest to question authority at the institution.⁴

Simultaneously, beating and other forms of abuse committed by National Police agents and tax inspectors continue to be very common. Police officers beat, tortured and even killed suspects of several types of infractions or crime without respecting the presumption of innocence guaranteed in the Angolan Constitution. Officers performed searches and arrests without judicial warrants and frequently extorted and intimidated defenseless citizens.

On December 11, 2004, Raimundo Makala, 38, was in the company of his uncle Noé Kangu lungo in the São Paulo neighborhood when police

² *Angolense*, “O drama dos polícias escravos,” Luanda; July 2 to 9; 2005.

³ *Angolense*, “Revolta na direcção de logística da polícia;” Luanda; June 2 to 9; 2005.

⁴ *A Capital*, “O que persegue a mais recente onda de expulsão na Polícia Nacional?;” Luanda; June 25 to July 2; 2005.

officers that reportedly monitored the activity of street vendors requested their documents. The officers supposedly pushed and punched Makala.⁵

In February 2005, the border police of Santa Clara, a municipality of Namakunde, in the province of Kunene, allegedly mistreated and killed two young men accused of illegal commercial activity on the country border.⁶ Three months later, on May 13, a similar incident took place in which the border police tortured and killed J.P.⁷

On April 19, 2005, police officers arrested António Tchahingo, a teacher in the province of Malange without a warrant and detained him for six days without questioning or trial. After the sixth day, he died allegedly for starvation.⁸

Police brutality is so frequent that it is widely provoked by minor offences. For example, on June 8, 2005, agents of the National Police in Kwanza Sul beat Manuel António allegedly because while driving he changed lanes without using the signal lights.⁹

A similar incident was documented in May when National Police beat and arrested Miguel Katanha with handcuffs. Miguel Katanha was charged with

⁵ *Angolense*, “Popular espancado por polícias no São Paulo”; Luanda; January 15 to 22; 2005.

⁶ AJPDP interview with human rights activist; Kunene; May 2005.

⁷ AJPDP interview with human rights activist; Kunene; May 2005. For more information on border police in Angola see also, “Lundas: As pedras da morte. Os diamantes fatais de Angola: Abusos de direitos humanos nas províncias das Lundas”; 2005.

⁸ AJPDP phone interview with journalist and human rights activist; Malange; April 2005.

⁹ AJPDP interview with human rights activist; Kwanza Sul; June 2005.

a traffic infraction while driving in the municipality of Porto Amboim, in the province of Kwanza Sul.¹⁰

In September 2005, Cláudio Paulo Sebastião, 17, a musician known as “Amizade”, was found dead after an armed group supposedly from the National Police invaded his house. Witnesses said that armed individuals stormed his house in Sambizanga, in the province of Luanda, took him out of bed and executed him by shooting him in front of a neighbors’ wall.¹¹ At this writing, no police inquiry to investigate the fact had been opened.

On October 17, police officers arrested an eight-year-old boy on charges of misbehavior at school. The boy, Milkin Neto, son of Miguel Neto, a renown Angolan radio reporter, was arrested by police officers pointing their guns while he was having lunch with his family and then taken to a police station.¹²

IV. Prison Conditions

Detention canters and police stations in Angola are the site of some of the most severe violations of human rights occurs in the country’s transition to peace.¹³ As recently described in a report on the Angolan criminal justice

¹⁰ AJPD interview with human rights activist; Kwanza Sul; June 2005.

¹¹ See, *A Capital*, “Houve engano policial ou haverá fogo debaixo do fumo?,” Luanda; October 1 to 8; 2005.

¹² See, *A Capital*, “Agentes da Polícia invadem residência para prender um rapaz de oito anos!,” Luanda; October 15 to 22; 2005.

¹³ In Angola, police stations (esquadras de polícia) also hold prison cells.

system written by AJPD, there are several forms of abuse to which Angolans¹⁴ are submitted in the prison system.¹⁵

The physical facilities of detention centers and prisons fail to meet minimal standards for holding detainees. For example, in the province of Bengo, detainees are kept in an old sugar industry plant. In other provinces detainees are kept in old storage centers that lack basic infrastructure as well as necessary adaptations. In addition, these facilities are old and lack trained personnel. Electricity and the regular supply of potable water are recurrent problems.

AJPD found, for example, that prison cells in the province of Kunene lack the most basic infrastructure to hold detainees. There, detainees are forced urinate and defecate in plastic containers. Cells do not have drinkable water and have no ventilation. Similar situation was found in the Kuvelai prison where for lack of space, many prisoners are tied to trees. The municipal prison of Kahama operates in an old storage facility of 20 square feet and a small window.¹⁶

In fact, detainees in Angola are frequently victims of overcrowding and degrading and inhuman treatment violating the UN's Standard Minimum Rules for the Treatment of Prisoners and other international human rights norms. Due to overcrowding, most detainees are forced to sleep on bare

¹⁴ According to the Angola Prison Service Department (Serviços Prisionais de Angola) as in October of 2005 there were about 8,300 detainees in Angolan prisons; Luanda; October 20; 2005.

¹⁵ In this report, we will not address specific problems associated with the criminal justice system such as swollenness in the trial process, lack of judges among others. For more specific information on this topic, please refer to "Relatório de Direitos Humanos: Um olhar sobre o Sistema Penal Angolano;" AJPD, Luanda; October 2005.

¹⁶ AJPD visits to Kuvelai prison, Kunene; May 2005.

floors, including the restroom area, next to the toilet hole.¹⁷ One example of the overcrowding that affects the prison system in Angola is the Luanda Central Prison (Cadeia Central de Luanda). This facility has an official capacity of 500 detainees but it currently houses some 2,800 detainees, more than five times its maximum capacity.¹⁸

The Ninth Human Rights Commission of the National Assembly documented similar condition while parliamentarians visited the military prison unit in Huíla. There, they reported that the facility had capacity for 20 detainees, but was used to hold 48 in deplorable conditions.¹⁹

In 2005, as in the past five years that AJPD has documented abuses committed in the prison system in Angola, prison agents used torture and beatings as means of investigation and to obtain confessions.²⁰ In 2005, AJPD documented serious cases of human rights abuse including the torture of detainees in the Kwanza-Sul prison.²¹

Other frequent violations are the lack of appropriate provisions of food and insufficient medical assistance. In the Condueje Penitentiary, AJPD documented that detainees received only one meal a day.²² On December 7, 2004, approximately seven detainees died of asphyxia in an overcrowded cell in the Muxinga prison, in the province of Lunda Norte.²³

¹⁷ AJPD interviews at Luanda Central Prison (Cadeia Central de Luanda); January 26; 2005.

¹⁸ Angola Prison Service Department (Serviços Prisionais de Angola); Luanda; October 20; 2005.

¹⁹ See, “Estado da Penitenciária Militar da Huíla é lastimável”; Available at: www.angonoticias.com.ao

²⁰ AJPD interviews at Luanda Central Prison (Cadeia Central de Luanda); January 26; 2005.

²¹ AJPD visit and interviews with journalists and activists that visited the prisons in Kwanza Sul; June 2005.

²² AJPD interviews; Luanda; October 2005.

²³ Rádio Ecclésia and Rádio LAC reporting; Luanda; December 2004.

On September 2, 2005, police agents arrested Domingos Maurício, 37, a laborer in the informal sector, in his house under the allegation of illegal weapon possession. Maurício was first taken to the sub-unit of Lunda Sul and then transferred to the Command of the Seventh Division (Comando da 7^a. Divisão), where he was found dead after a week of illegal detention. The official explanation is that Maurício died of tuberculosis. The medical exam performed by the National Criminal Investigation Department (Direcção Nacional de Investigação Criminal, DNIC), however, states that Domingos Maurício was a victim of traumatic shock, produced by physical aggressions with a blunt instrument.²⁴

Another serious problem in Angola is the excessive use of preventive detention. National legislation establishes time periods for pretrial detention in Angola. However, these periods are excessively long for those supposed innocent. Suspects are also frequently held beyond the maximum period of preventive detention and charged subsequently, without recourse to judicial remedies in violation of the proper judicial procedure or required by the Preventive Detention Law (Lei de Prisão Preventiva).²⁵

In addition, very few guarantees are provided to the accused during the criminal process. Specifically *habeas corpus* is rarely granted and separate cells are very rarely afforded to detainees. It is thus common for Angolan judges to deny the use of *habeas corpus* without adequate basis. Frequently those detained in pretrial detention are held in cells with prisoners that have already been convicted.

²⁴ See, official AJPD correspondence about this case; Ofício Ref. No. 775/DG; September 9; 2005. See also, *A Capital*, “Agentes da Polícia acusados de espancarem preso até a morte;” Luanda; September 10 to 17; 2005.

²⁵ It violates in this manner Article 25 of the Preventive Detention Law (Lei de Prisão Preventiva).

In addition, while visiting prison facilities in Angola, AJPD found that many detainees entitled to release pending trial (*liberdade condicional*) could not request this right due to bureaucratic obstacles, lack of documents or even lack of transportation or other logistics.²⁶ For example, in the Pêú prison, about 90 kilometers from Ondjiva, many citizens are still incarcerated after their sentence has ended due to the lack of transportation and communication.

Although prison authorities seem to be more receptive in allowing access to detainees and visits conducted by lawyers and members of civil society, family members have complained that they are frequently victims of extortion and other forms of disrespect and abuses while attempting to visit their relatives.²⁷

V. Violence against Women

Since 1986, Angola has been a party to the Convention Against All Forms of Discrimination Against Women (CEDAW). In delayed compliance with CEDAW's terms, Angola presented in 2005 its first report on the condition of women's rights in the country.²⁸ According to this report, it is clear that the situation of Angolan women is alarming. Angolan women are frequently victims of mistreatment, aggression, violation and murder. Many times, those responsible for criminal acts against women are their husbands or relatives as in the cases we cite below. In this context, we highlight the

²⁶ AJPD visits and interviews in the prisons in Luanda, Kunene, and Kwanza Sul; 2005.

²⁷ AJPD interview with family and relatives of detainees; Luanda; 2005.

²⁸ Available at: http://www.bayefsky.com/reports/angola_cedaw_c_ago_1_3_2002.pdf

worrisome policy that does not allow the police to act in cases of domestic violence.²⁹

Farmers and rural entrepreneurs, employing promises to make money in farms in the countryside in Angola, recruit young girls of 13 and 14 years old. Upon arrival, the girls are submitted to labor exploitation and many are forced into sexual slavery, confined to brothels and forced to participate in orgies sponsored by their bosses or visitors. Those who become pregnant are expelled from the properties and abandoned to the cultural stigma against unwed mothers.³⁰

In the beginning of 2005, Francisca Kangula and Nhama Luísa were murdered in the province of Huíla by their respective husbands after being severely beaten.³¹ In these two cases, at this writing, AJPD was not aware of any judicial process against the suspects.

The Angolan Women Organization (Organização da Mulher Angolana, OMA) registers approximately twenty cases of abuse or violence against women per day. Roughly, fifteen of these are new occurrences, while five involve repeat offenders.³² This figure, however, is a small sample of the problem women face in Angola while most still underestimate their possibilities and ignore their rights.³³

²⁹ See, for example, Article 79. of the Police Law (Lei sobre a Polícia) stating that the police should not interfere with private or civil conflicts, except whenever necessary to keep the public order.

³⁰ See, correspondence of the Building Communities Association (Associação Construindo Comunidades, ACC); “Julgamento do Caso de Cárceres Privados e Torturas (Gambos) Exijamos Todos Justiça e Igualdade Perante a Lei!”; Lubango, October 2005.

³¹ *Jornal de Angola*, “Duas mulheres morrem por espancamento no Lubango,” Luanda; January 14; 2005.

³² AJPD interview with representative of OMA, Luanda, October 2005.

³³ See, for example interview with Diana Martins, 27, to *Angolense. Angolense*; “Há cinco anos que sou vítima de violência doméstica;” Luanda; April 23; 2005.

In fact, sexual and domestic violence against women and girls, though committed in a systematic and generalized manner is not well documented in Angola. Very few cases are presented to the police or taken to court. In general, women fear presenting their cases of sexual or domestic violence due to the strong cultural stigma attached to those who report being victim of such crimes.

In July, an incident with I.L, 22 years old shocked public opinion. I.L. denounced having been beaten by Hélder Dias dos Santos, son of the Prime Minister, Fernando Dias dos Santos. Dias dos Santos followed his victim in public, pulled her hair and threw her against an iron gate.³⁴ This incident shocked public opinion, especially because Dias dos Santos apparently later boasted of his impunity.³⁵

In the province of Kunene, Graciano Ndeuyepa, head of the municipal education division in Namacunde, sexually abused a young woman of 18 years of age in the hotel facilities of Oihole.³⁶ Family relatives attempted to bring the case to justice but at this writing had not succeeded.

Women are also subject to abuse and violations described in other sections of this report. For example, in prisons women, even those who are pregnant are subjected to mistreatment and physical and psychological violence, in addition to the wretched conditions of detention throughout the country.³⁷

³⁴ *Angolense*, “Uma jovem marcada pela violência do filho do primeiro-ministro;” Luanda; June 18 to 25; 2005.

³⁵ *Angolense*, “Filho do Primeiro-Ministro regozija-se pela impunidade;” Luanda; July 2 to 9; 2005.

³⁶ AJPD interview with victim that preferred to be anonymous and her father. Kunene; May 2005.

³⁷ See, for example, *Angolense*; “Cadeias do Bengo são desumanas;” Luanda; March 19 to 26; 2005.

On May 18, 2005, Eva Francisco Pascoal, 40, was arrested without a warrant in Wenji Maka, Clemba II, in the municipality of Kilamba Kiaxi, in the province of Luanda. Eva Pascoal was pregnant and reportedly had a miscarriage due to the physical abuse she had suffered in prison.³⁸

Women are the majority of street vendors in urban Angola. For that reason, they are frequently targeted and suffer abuses at the hands of fiscal and police agents and often are not assisted by women's rights associations and organizations.

As described in this report in the section on discrimination against persons diagnosed as HIV-positive and AIDS victims, women carrying the HIV virus are often discharged from their jobs and expelled from their homes. Many times they even lose custody of their children. In 2005, A. J. was diagnosed HIV positive and expelled from her home. Her husband refused to take the exam himself and sought custody of their daughter in court. The judge in the case accepted the husband's claim.³⁹

VI. Discrimination against HIV Positive and AIDS victims

In 2003 and 2004, new legislation for the protection of HIV positive and AIDS victims was approved. Most notably the Regulation on HIV/AIDS, Employment and Professional Training (Regulamento sobre o VIH/SIDA, Emprego e Formação Profissional); and the Law on HIV and AIDS (Lei

³⁸ See SOS-Habitat Memorandum; Luanda; May 24; 2005.

³⁹ AJPD interview with A. P.; Luanda; Mach 2005. It is important to note here the importance of this sentence since Angola justice system has only one source of appeal, the Supreme Court (Supremo Tribunal) where the average time of response to claims are of approximately a year.

sobre o Vírus da Imunodeficiência Humana – VIH e Síndrome de Imunodeficiência Adquirida – Sida).

In March 2005, AJPD in partnership with the British Embassy, published the Angolan Charter of Human Rights for HIV/AIDS victims. This charter was quickly and widely accepted and included in most training programs on HIV/AIDS in Angola.

In general terms, during AJPD visits to health facilities, we noticed the lack of minimal sanitary conditions for their operation. Hospitals frequently lack of electricity and water supply.

Additional factors contribute to the dissemination of HIV/AIDS in Angola. For example, though the government provides some educational and training campaigns about HIV/AIDS⁴⁰ high illiteracy render these educational interventions less effective. Their impact is further reduced by the fact that these messages are not transmitted into the local languages of the most vulnerable groups of Angolan society. In addition, other cultural and religious barriers, as well as practices and behaviors such as *lundulamento*, traditional medical treatments and group circumcision contribute to the dissemination of HIV/AIDS.

Lundular, though a much reduced practice, is still practiced in several regions of the country and consists of the ‘adoption’ of widowers by their brothers-in-law. In case the deceased does not have a younger male sibling, the oldest nephew adopts the widower. Adoption is not limited to financial support but also includes at least one sexual relation. Because the cause of death of

⁴⁰ We would like to note the new HIV/AIDS education program for schools that encourages students to collect food for distribution for those HIV positive or AIDS victims.

the husband and the health condition of the wife and of the HIV/Aids status of the male relative that adopts the woman, this practice indeed facilitates the propagation of HIV/AIDS.

Traditional doctors in their rituals frequently make incisions in different individuals using the same cutting tool. This is also the norm in group circumcision, a practice that may contribute to the dissemination of HIV/AIDS especially in rural areas in Angola.

In Angola, those HIV positive and AIDS patients currently face a worrisome problem with the centralization of antiretroviral medication distribution in Luanda, Kunene, Huíla and Cabinda. HIV-positive persons that live in other provinces are forced to travel mostly to Luanda or abroad for treatment. Frequently, they must travel by their own means without any assistance from State health authorities and often rely on the good will of other individuals and some businesses.

It is worth noting that the Hospital Esperança in Luanda, the only one that provides treatment for HIV/AIDS patients, only works during the day and does not accept patients overnight.⁴¹

While forced to travel to Luanda for treatment, HIV/AIDS patients are often punished in their jobs by having to pay for absent days.⁴² This is a violation of articles 4 and 8 of the Angolan Law 8/94 on HIV and AIDS (Lei sobre o Vírus de Imunodeficiência Humana – VIH e a Síndrome de Imunodeficiência Adquirida – Sida) that states that no employee can suffer

⁴¹ Public health authorities requested that Hospital Espeança give priority to patients that came from other provinces.

⁴² AJPD interview with HIV positive Angolans in the province of Huíla; May – June 2005.

prejudice due to their condition of HIV/AIDS positive and that absenteeism of employees that are HIV/AIDS positive are considered justified for health reasons if not superior to 120 days.

Another frequent problem is the distribution of expired medication. In at least two occasions in the past two years, Hospital Esperança distributed medication already expired to HIV/AIDS patients. Medication distributed usually serves three months of treatment. In August and September of 2005, Hospital Esperança distributed medication with expiration date for August 2005.⁴³

In addition, in October 2005, large quantities of quick HIV tests disappeared from Hospital Esperança possibly with the complacency of its own staff.⁴⁴ This situation is more worrisome when we note that the same hospital refuses to provide quick HIV tests to associations well known for their work in defense of HIV/AIDS patients, such as Luta pela Vida (LPV). At this writing, directors of Hospital Esperança had not provided any public statement about this incident.

AJPD visited seven provinces total: Luanda, Cabinda, Lunda Norte, Lunda Sul, Cunene, Huíla and Benguela. Although all governors were receptive to AJPD's initiatives of training and promotion of human rights of HIV/AIDS victims, only the governor of Kunene presented projects and strategies to deal with HIV/AIDS at the province level. In fact, in February 2005, for the first time members of the UN Technical Initiative (Grupo

⁴³ AJPD interviews with HIV/AIDS patients in Luanda; August and September 2005. AJPD had access to the medication distributed at the time. See also, *A Capital*, "consumem antiretrovirais expirados"; September 17 to 24; 2005.

⁴⁴ *A Capital*, "Sumiram embalagens de teste rápidos no Hospital Esperança"; Luanda; October 15 to 22; 2005.

Técnico de Trabalho da ONU), representatives of the AIDS National Agency (Instituto Nacional de Luta contra o SIDA) and the Angolan HIV/AIDS Network (ANASO) met in Kunene.⁴⁵ Other governors said they were awaiting instructions from central government to control the situation.⁴⁶

In three of the provinces visited, Cabinda, Cunene and Lunda Sul, AJPD found problems of discrimination against HIV positive due to the break of confidentiality in the local hospitals. This violates the right to confidentiality stated in Article 5 (f) of the HIV/AIDS law according to which all those infected by HIV/AIDS have the right to confidentiality regarding their health situation. Article 22 of the same law prohibits mandatory HIV/AIDS exams that can be excluded only in strict accordance to the exceptional cases mentioned in the law.

However, when ordinary people visit hospitals, they are often tested for HIV/AIDS without their consent. They do not receive the results of the exams either, and whenever positive, patients are listed in an internal report that serves health institutions. Staff of those institutions break patients confidentiality and give away the names of those infected with the virus. Those, on the other hand, suffer discrimination without even knowing the reasons for such behavior. This aggravates the situation in which they find themselves without medical or psychological assistance to treat their health condition.⁴⁷

⁴⁵ The province of Kunene that borders with Namibia in the southern region registers the highest HIV/AIDS incidence in the country. According to the UN Human Rights Commission Report “Relatório Trimestral de Maio – Junho de 2005”, in Kunene, the prevalence of the virus is of 25 percent.

⁴⁶ AJPD interview with governors and representatives of provincial governments of Cabinda, Lunda Norte, Lunda Sul, Kunene, Huíla and Benguela; 2005.

⁴⁷ AJPD interview with HIV/AIDS patients, relatives and representatives of public health institutions in Cabinda, Kunene and Lunda Sul; 2005. In addition to the situation described above, AJPD also noticed that many people prefer to treat minor illness at home instead of using public health institutions in fear of clandestine or non-authorized HIV/AIDS testing.

Forms of discrimination against HIV/AIDS victims are severe from expulsion of home and family. Relatives also loot many citizens without any protection from state authorities. This was the case of F. that after her husband's death by AIDS had all their belongings forcedly taken by her husband's relatives.

Another recent but common practice in Angola is of private clinics that work within companies. These clinics examine and report on workers health status to the company's human resources department. This information, in case of HIV/AIDS positive may be used for a company decision on its suspension or dismissal. As mentioned before, dismissal cannot be in written form so frequently workers are forced to undertake several exams and to face other situations that result in psychological pressure and eventually in their resignation.

In Lunda Norte, AJPD received complaints that a company named CATOCA, once diagnosed a condition of HIV/AIDS positive, provided medication to its workers enough for six months and suspend their functions allegedly until their exams are negative. Since the cure for HIV/AIDS has not yet been found, this policy in practice means for the dismissal of employees infected with the virus.⁴⁸

This situation is similar to what happens in Cabinda where one of the main employers of the region requests that all applicants provide blood exams

⁴⁸ AJPD interviews in Lunda Norte; 2005. AJPD in many occasions requested an interview with CATOCA authorities, however, at this writing such interview had not been granted.

and reportedly denies applicants HIV/AIDS positive violating the right to confidentiality and to employment.⁴⁹

In Cabinda, AJPD also found that the Maternity Hospital of Kabasango, notwithstanding its efforts to advice and test during pre-natal procedures, after babies are born, no longer provide any assistance to the mothers.⁵⁰ In addition, AJPD and Acção Humana found that hospitals in Angola often refuse to operate on HIV/AIDS patients.⁵¹

VII. Violation to the Right of Freedom of Expression and Protest

In the last year, there seems to be none or very little advancement in terms of freedom of expression and protest in Angola. Many of the conditions described in the 2004 Human Rights Watch report on media and political freedom to which AJPD contributed persisted in 2005 as well.⁵² Angolan journalists continue to face threats and physical abuse. Protests against public policies, even when authorized are still been sanctioned. Criticism of public policies or against public authorities is excluded from most media and nearly all state media and publications.

Though the new Press Law (Lei de Imprensa), approved by the Minister Council on July 31, 2005, allows greater openness, journalists in Angola still face several challenges. In practice, police agents continue to intimidate

⁴⁹ AJPD interview in Cabinda; December 2005.

⁵⁰ It is important to note that the Maternity Hospital “Hospital Maternidade Kabasango” does not distribute medication to the mothers infected with the virus. AJPD interviews in Cabinda; December; 2004.

⁵¹ AJPD interview with activists and representatives of Humanitarian Action (Acção Humanitária); Luanda; 2005.

⁵² Human Rights Watch, “Unfinished Democracy: Media and Political Freedom in Angola.” New York, July 2004. Available at: http://hrw.org/portuguese/backgrounder/africa/2004/0704angola_port.pdf

journalists. Newspapers editions continue to be apprehended as clear acts of censorship.⁵³ Journalists, members of MPLA, reportedly have privilege of access to official documents and information.⁵⁴ In this context, the lack of norms on the journalistic profession makes working conditions harder exposing professionals to corruption and self-censorship.

In May, journalists of *Jornal de Angola* denounced that they were instructed in a meeting with their editors and sub-editors that they should not publish criticism against MPLA or against the current government.⁵⁵ In fact, in the beginning of the year, a number of journalists complained to AJPD that they had been mistreated and received threats for articles written on the poor state of elementary schools in Ondjiva, in the province of Kunene.⁵⁶

Violations of the right to freedom of expression and reunion seem to be even worse in the countryside and in the more isolated provinces. In Kunene, journalists reported having received threats by the Governor and other provincial officials whenever they publish news or criticism disfavorable to the local administration or their political parties.⁵⁷ Readers of

⁵³ *Angolense*; “Angola continua na cauda;” Luanda; May 7 to 14; 2005.

⁵⁴ *Ib id.*

⁵⁵ *Agora*; “”Tesouras” de “Wadi” começam a funcionar;” Luanda; May 7; 2005. See also, *Folha 8*; “Liberdade de Imprensa sem evolução;” Luanda; May 7, 2005 and *Jornal de Angola*; “SJA pronuncia-se sobre a actividade da mídia;” Luanda; May 3; 2005. See also, UN High Commissionaire for Human Rights Report “Relatório trimestral: Maio – Julho 2005” reference to Vice-Minister of Information, Manuel Miguel de Carvalho, warning to journalists that work in public media that those that criticise the MPLA or the current government should work for private newspapers.

⁵⁶ AJPD interview with human rights activist; Kunene; May 2005. In addition, in August 2005, a sports journalist for the Angolan National Radio (Rádio Nacional de Angola, RNA) was fired for questioning the interruption of the National Soccer Championship to favour birthday celebration events for the President Eduardo Santos. At this writing the radio station had not publicly replied to this claim.

⁵⁷ AJPD interview with journalist and human rights activists. Luanda, June 2005.

independent newspapers reportedly also receive threats and are quickly labeled reactionaries or contra-revolutionaries.⁵⁸

So far, it still prevails the impression that authorities would like to give privileged status to the National Radio (Rádio Nacional) to broadcast in Angola guaranteeing an almost governmental monopoly of radio broadcasting outside Luanda.⁵⁹ This impression is illustrated by the continuous impediment for the expansion of the broadcasting of the Angolan Catholic Radio Station (Rádio Ecclésia) in violation of the current legislation of press.

There seems to be no objective reason to justify this prolonged impediment to the expansion of Rádio Ecclésia and, in fact, the reasons seem to be more of a subjective matter. For example, in 2003, former Minister of Social Communication, Pedro Hendrick Vaal Neto attacked and accused Radio Ecclésia of unfounded basis. More recently, sources revealed to the newspaper *Agora* that Rádio Ecclésia would only be authorized to broadcast nationwide after the presidential elections or if they changed their editorial.⁶⁰ Other radios of private capital also face similar difficulties for their operation or expansion of their broadcasting system.⁶¹

On February 10, 2005, AJPD received a complaint by Anselmo Conde from the Mpalabanda Civic Association of Cabinda about the veto to the

⁵⁸ See statement by a reader in Kunene, *Semanário Angolense*, “Quando um exemplar do SA chegou a custar mil kwanzas”, September 3 to 10, 2005.

⁵⁹ See also, Human Rights Watch, “Unfinished Democracy: Media and Political Freedom in Angola.” New York, July 2004. Available at: http://hrw.org/portuguese/backgrounder/africa/2004/0704angola_port.pdf

⁶⁰ *Agora*, “Ondas média e curta na Rádio Ecclésia, só após as eleições”, Luanda, September 10, 2005.

⁶¹ AJPD interview with human rights activist, Luanda, June 2005. AJPD received a statement that, for example, Rádio Vial, also awaits authorization to broadcast in Luanda for more than five years.

publication of a press release about a march that would celebrate the anniversary of the Simulambuco Treaty in the Cabinda Commercial Radio (Rádio Comercial de Cabinda) even though all the corresponding taxes and fees had been paid.⁶²

The Law on Reunion and Protest (Lei de Reunião e Manifestação, Lei 16/91) establishes that protests do not need authorization and that the organizers should only communicate their intentions, date and location to the Provincial Government.⁶³ However, contradicting what has been established, Luanda's Provincial Government continues to violate this law.

In December 2004, National Police officers violently suppressed members of the Party for the Democratic Support and Progress of Angola (Partido de Apoio Democrático e Progresso de Angola, PADEPA) as they tried to protest in front of the U.S. Embassy in Angola. The officers carried weapons and trained dogs. The protest was organized to ask the American Government to pressure the Angolan Government to publish the revenues from the export of oil.⁶⁴

On February 24, 2005, Luanda's Provincial Government also violated the Law of Reunion and Protest (Lei de Reunião e Manifestação) when it stopped the Angolan Students Movement (Movimento de Estudantes Angolanos, MEA) from protesting to pressure the Angolan Government to

⁶² AJPD interview with human rights activist; Cabinda; February 10; 2005. The historic treaty of Simulambuco was established between Portugal and Cabinda, signed by princes, nobles, and governors and conceded to Cabinda the status of Portuguese protectorate.

⁶³ According to Law 16/91 of May 11, about the Right of Reunion and Protest (*Sobre o Direito de Reunião e de Manifestação*), organizers of protest must inform authorities by writing at least three days prior to the protest of their intentions and objectives identifying at least five organizers including personal information such as address and occupation. See also, "Unfinished Democracy: Media and Political Freedom in Angola." New York, July 2004.

⁶⁴ AJPD interview with Carlos Leitão, president of PADPA, Luanda, May 17; 2005.

adopt a social transportation pass. This occurred even though MEA had complied with Angolan law, informing authorities of the details of the planned protest. A large brigade of police officers armed and with dogs intimidated the protesters.⁶⁵

On June 6, in the villa of Santa Clara, in Kunene, National Police agents beat Gaudência João allegedly due to her participation in acts promoted by the Angolan National Liberation Front (Frente Nacional de Libertação de Angola, FNLA).⁶⁶

On July 4, 2005, National Police members arbitrarily arrested members of MEA who were waiting to be received by the Vice-Minister of Finance outside the Finance Ministry (Ministério das Finanças) as part of their strategy to press the government to provide public transportation passes for students.

The students were arrested at night after waiting since morning for a meeting with the Vice-Minister. On that same day, Professor Adriano Parreira and Luís do Nascimento, MEA's lawyer, were also arrested while supporting the students demand.⁶⁷

On July 30, 2005, members of MEA were once again repressed and impeded while they tried to protest and demand a public transportation pass for students in the Largo das Escolas, in Luanda.⁶⁸

⁶⁵ Entrevista da AJPD com Mfuca Muzemba, presidente do MEA, Luanda, Julho de 2005.

⁶⁶ AJPD interview with human rights activist, Kunene, June 2005.

⁶⁷ AJPD interview with Mfuca Muzemba, president of MEA, Luanda, July 2005.

⁶⁸ *Ibid.*

The students reportedly were trying to march peacefully up to the Presidential Palace. However, National Police agents armed with AKM and accompanied by the Canine Brigade arrested several members of MEA's board of directors as well as another 20 students. Among those that were arrested were Mfuca Muzemba, MEA's president, Miguel Sebastião, Finda Ngongo, Albino Alfredo, Luís Mendes, Lukoki Muzembo and Nikiavita.⁶⁹

The students were allegedly beaten and sent to a police station. They were only freed twelve hours later and only then due to the intervention and assistance of Luís Nascimento, MEA's lawyer.⁷⁰

On July 31, 2005, members of the Front For Democracy (Frente Para a Democracia) were prohibited from distributing leaflets in Benfica neighborhood, in Luanda.⁷¹

In the provinces that AJPD visited, we noticed that all protests that are not promoted by the MPLA or by persons or organizations associated with the MPLA are prohibited or repelled without legal fundamentals.

VIII. Forced Evictions

As denounced by Amnesty International in May of 2005, forced evictions are grave violations to human rights in Angola.⁷² Though the Land Law (Lei das Terras) has been approved with the participation and contribution of several Angolan institutions, authorities have not yet passed implementing

⁶⁹ AJPD interview with Mfuca Muzemba, president of MEA, Luanda, July 2005.

⁷⁰ *Ibid.*

⁷¹ Statement broadcasted by Rádio Ecclesia, Luanda July-August 2005.

⁷² See also Amnesty International, "Angola: Expulsões forçadas em massa em Luanda", London, November 2003. Available at: [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR120072003PORTUGUESE/\\$File/AFR1200703.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR120072003PORTUGUESE/$File/AFR1200703.pdf)

regulations. This situation generates a legal gap that allows forced evictions to proliferate both in the urban and rural regions. In rural areas, this situation may be even more complex since the new law is ambiguous while recognizing ancestor's rights to rural communities.

The evictions are often carried out with disproportional force and violence by members of the National Police and Tax Inspection violating the Angolan Norms on Administrative Procedures (Normas sobre os Procedimentos Administrativos). In these incidents, those evicted have been beaten, subject to physical violence and arrested without legal basis.

On January 7, staff and tax inspectors of Samba administration, without previously presenting a judicial order, demolished and expelled from their home Beatriz C., left as homeless with her family. Beatriz had lived in a house in Cabo Lombo-Benfica since 1979; her illegal eviction was allegedly carried out in favor of José Ferreira Tavares, a General of the Angolan Army.⁷³

In early 2005, thirty-two families were violently evicted from their homes in the municipality of Viana. Although the land they occupied was not being disputed, their houses were demolished allegedly with the support of police agents and tax inspectors.⁷⁴

It is important to note that most of the forced evictions are carried out to favor high-ranking officials of the Angolan Army and State authorities interested in profiting from private housing projects.

⁷³ AJPD interview with SOS-Habitat member and rights activist, Luanda, May 2005.

⁷⁴ *Angolense*, "Demolições deixam 32 famílias ao relento," Luanda, March 26 to 5, 2005.

In early 2005, Provincial Government agents in Kunene violently evicted some seventeen families that lived in the Bangula neighborhood in the municipality of Cuanhama-Ondjiva, Kunene.⁷⁵

On April 29, 2005, a high ranking official from the Angolan Army (Forças Armadas Angolanas, FAA) coordinated the forced eviction of several families that had lived for over twenty year in the neighborhoods of Nipalala and Kafito, in the municipality of Cuanhama, Kunene.⁷⁶

Activists and human rights defenders that work defending housing rights are also targets during the eviction operations. On July 26, 2005, National Police agents from the Fifth Division of Police in Calemba II (5^a. Divisão afecta a Esquadra da Polícia da Calemba II) in Kilamba Kiaxi, demolished, without legal basis, the houses of João Nsudisu, Zua Kassule, Arcanjo Miguel. Sebastião Manuel and Francisco Mulemba. Sebastião Manuel and Francisco Mulemba were also violently beaten and wounded. SOS-Habitat, an organization dedicated to the defense of that and other communities against forced eviction wrote to the Attorney General (Procurador Geral da República, PGR). However, at this writing, AJPD did not obtain any information about the procedures recommended by the PGR against the perpetrators of the abovementioned abuses.

On the same day of June 26, Luís Araújo, president of SOS-Habitat, Rafael Morais, member of SOS-Habitat, Sérgio Ngoma and five other members of the Land workers Commission in Wenji Maka were arrested and accused of land invasion and disturbance of public order when they tried to stop the demolition of houses by fiscal agents. Professor Adriano Parreira, who came

⁷⁵ AJPD interview with human rights activist, Kunene, May 2005.

⁷⁶ AJPD interview with human rights activist, Kunene, May 2005.

to the location in solidarity with the victims, was also arbitrarily arrested. The police officers allegedly used disproportional violence and shooting to disperse the population. Thanks to the prompt intervention of lawyer Luís Nascimento, the activists and people that had been arrested were released after six hours.⁷⁷ These acts are violations of fundamental rights of citizens recognized in the Angolan Constitution in Articles 36 (1) and 39, according to which no citizen can be arrested without being informed, at the moment of his/her detention, of the reasons for the arrest.

In the end of September, a group of fiscal police under the command of Miguel, Chief of the Tax Oversight Office in the Municipality of Viana (Gabinete da Fiscalização do Município de Viana) in Luanda, together with agents of other police officers from the Seventh Division of the National Police (VII Divisão da Polícia Nacional) and Military Police agents demolished about 314 houses in the neighborhood of Cidadania without any legal order. The families that resided in the neighborhood saw their furniture looted or destroyed by police officers.⁷⁸ At this writing, authorities had not begun any legal proceedings or investigation into the incident.

It is also worrisome that these incidents of forced evictions are not only carried out by police officers acting as intermediaries of several private initiatives but also because in some cases officers are acting for their own benefit and the illegal appropriation of land. In the municipality of Samba, about seventy families accused agents of the Fourth Police Division Command (IV Divisão de Polícia) of illegally occupying the lots after an eviction operation carried out with beatings and threats of demolition of

⁷⁷ See correspondence by SOS-Habitat; ofício da SOS-Habitat; Luanda, June 28, 2005. See also, *Angolense*, “A detenção de dois defensores do povo,” Luanda, July 2 to 9, 2005.

⁷⁸ See correspondence from SOS-Habitat to General Serra Van-Dúnen, Minister of Internal Affairs, Ref: 010/05 – DH; Luanda, September 29, 2005.

houses. Allegedly, the lots were to be used for the construction of a police station. However, currently, the rights to the land are being disputed.⁷⁹

While preparing this report, AJPD awaited with high expectations the emblematic trial of those responsible for the private incarceration and torture in the Kamphanda farm, in the municipality of Lubango, in the province of Huíla. There are hopes that this trial will set a precedent of punishment for those responsible for forced eviction, torture, private incarceration and other mistreatments.

In the last months of 2002, businessmen bought the Kamphanda farm, in the Huíla province. The acquisition of the farm was legally questionable and contributed to the series of atrocities committed against the local communities that shocked public opinion. The new property manager with support of former military officers supposedly killed the domestic animals of those that lived in the property. About eight families were expelled from their lands. In addition, the manager and former officers installed private detention centers where they tortured about twenty-two people including women, children and elderly. They used electric shocks, lash and sexually abused their victims. Members of local communities were also beaten and forced to starve.⁸⁰

In December 2005, there were several illegal detentions and house demolitions in Benfica, Luanda. In the neighborhood of Vila do Estoril, municipality of Kilamba Kiaxi, in the province of Luanda, the communities of Cambamba II and of Bairro 28 de Agosto, again violent eviction of local

⁷⁹ *Angolense*, “Pólicia acusada de usurpar terrenos,” Luanda, October 15 to 22, 2005.

⁸⁰ See statement by Associação Construindo Comunidades (ACC), “Julgamento do caso de Cárceres Privados e Torturas (Gambos) Exijamos Todos Justiça e Igualdade Perante a Lei!”, Lubango, October, 2005.

communities took place throughout the month of November. In addition to the forced eviction operation, police officers and tax inspectors also demolished the precarious shelters to where these families had fled to leaving them completely homeless for days.

During the incident in Cambamba II, 7 people were arrested, two women and five men. In the Bairro 28 de Agosto, twelve people were arrested, a woman and her three small children, a man and also the following: Amélia José Faustino, Bela, Victor Braz da Silva, António José, Adão Manuel, Olívio Ramos, Quartim Bimbi, and Luís Araújo.

IX. Recommendations

1) Police Violence

Regarding police violence, we recommend that the Angolan government and the National Police should:

- a). Create an autonomous and independent institution to monitor and control actions of the Angolan police and to work as a Police Ombudsman. The police ombudsmen should be authorized to investigate thoroughly and independently all claims of abuse, police violence or irregular behavior.

- b). Implement programs to improve working conditions such as salary, self-esteem, formal education and training on human rights and citizenship for all police agents and tax inspectors of the Provincial Government of Luanda.

- c). Create programs that suspend police officers involved in violent incidents that result in death until all investigations, motif and psychological evaluation are completed.

d). Provide training for all police officers on use of non-lethal techniques such as defensive shootings, forms of approach and prohibit the use of fire weapons in operations such as evictions, protests, strikes, sport events or others that involve crowds of people. Promote alternative techniques in these situations to avoid the use of violent measures as first approach.

e). Promote public campaigns about the correct police action and wide education on the forms to denounce abuses committed by police officers.

f). Implement an efficient witness protection program for victims of police violence with the guarantee of neutral investigation of all cases of threats to the integrity of witnesses. In this regard, provide compensation to victims and relatives of victims of police violence.

g). Create means to suspend officials that mistreat citizens and make their records public as well as all disciplinary measures undertaken.

h). Guarantee and promote means of rewarding police officers that act in accordance to international and national human rights standards.

2) Prison Conditions:

We recommend that the Angolan government, the Prosecutor's Office and authorities of Prison Services Department should:

a). Investigate and punish all those prison agents responsible for abuses and human rights violations in prison facilities.

b). Immediately suspend all prison agents or police officers accused of torture, homicide or corruption that are under investigation.

c). Create a digital and integrated database system that allows a rational access to the situation of each detainee including name, time and reason for prison as well as names of police officers involved in the arrest. This system would serve the Prison Services, the Prosecutor's Office and DNIC. Information on temporary transfers or permanent provision imprisonment, as well as coroner's reports and date of release should also be included.

d). Provide the Prosecutor's Office with the necessary conditions to start its functions immediately enabling citizens to access the competent mechanisms for complaints and critiques.

e). Pass a new law of prison services with the objective to separate detainees according to the nature of crime and provide alternative punishment to less violent infractions.

f). Rehabilitate the existing prison facilities and construction of new facilities where water supply, electricity, food and adequate medical assistance can be guaranteed to all detainees. Create also leisure, training and monitoring areas to promote rehabilitation and social reinsertion of prisoners.

3) Violence Against Women:

We recommend that the Angolan government and the National Assembly should:

a). Fight violence against women through actions that promote legal protection, including legal norms, health service, and psychological support to victims of violence.

b). Create departments and specialized police stations for investigation of claims of violence against women and protection of victims and witness of sexual and domestic violence.

c). Promote programs and public campaigns to educate citizens about sexual and domestic violence. Create publications that state the negative consequences and impact of sexual and domestic violence in women's lives.

d). Create a public health system to provide quality family planning services, emergencies obstetric and prevention of sexually transmitted diseases. Promote specific educational programs to enhance understanding of sexual and reproductive rights.

e). Approve legal reform that guarantees women's rights including, for example, maids and nannies (children that look after younger children) the right to property and heritage to women giving priority to the title registering of properties or land for women heads of household.

f). Promote and improve women and girls' access to education especially in rural areas where problems of early marriage aggravates conditions of lack of education and job opportunities and high maternal and child mortality rates.

g). Investigate, trial and punish accordingly perpetrators of sexual exploitation; trafficking of women and girls and child pornography.

4) Discrimination against HIV positive and AIDS victims:

Angolan government and public health authorities should:

- a). Re-create a national program to provide medical assistance and medication to HIV/AIDS victims in the provinces.

- b). Define ethical and professional conduct codes for public health providers nationwide especially those that work with HIV/AIDS patients. The new codes must contain sanctions in case of violation and break of confidentiality. Adopt means of protection and guaranteed employment to those that denounce cases of discrimination and stigma in their work environment.

- c). Provide adequate funds to medical assistance, treatment and distribution of medication for all patients of HIV/AIDS as well as provide practical training on respect to all HIV/AIDS patients throughout the country.

- d). Increase the current program of assistance to HIV/AIDS patients in order to include also support to families, especially children and orphans of HIV/AIDS victims.

- e). Promote educational campaigns and programs for public awareness of HIV/AIDS that targets groups or families instead of individuals in order to enhance solidarity and comprehension reducing the stigma level and discrimination associated with HIV/AIDS.

- f). Train politicians, educators, health providers and local leaders, known as *sobas*, so that they can provide information and support communities and solidarity to HIV/AIDS victims.

- g). Create areas where HIV/AIDS victims can receive occupational therapy that respect their security and promote and protect their human rights.

h). The National Assembly, through the Health Commission should find forms to implement specific policies to protect and promote the rights of the HIV/AIDS victims.

5). Violation to the Rights of Freedom of Expression, Reunion and Protest:

The Angolan government should:

a). Approve legislation on freedom of expression, association and reunion compatible with international standards.

b). Investigate allegations of abuse of civil and political rights, including threats against journalists and political activists. Trial and punish all those responsible for abuses, threats or any other violation to the right to freedom of expression, association and reunion.

c). Allow journalists to have access to information and governmental institutions in order to highlight transparency of public administration and minimize official secrecy.

d). Assure the rights of all Angolans to freedom of association according to Angolan laws and international standards, including the right to create or participate in public associations and political parties.

e). To cease and denounce every instance when the police forces are used without legal basis, for political reasons including the impeding of reunions and peaceful public demonstrations and protests. Educate police agents about the rights and freedoms recognized in the Angolan Constitution that should be respected apart from political-party convictions, sex, religion, etc.

f). Allow political leaders from opposition and civil society representatives to express their criticisms to the government and public policies.

f). Establish a fair and open process for the concession of radio and television broadcasting and guarantee fairness for the expansion of broadcasting nationwide.

6). Forced Evictions:

We recommend that the Angolan government should:

a). Stop and prohibit all actions of mass eviction and demolitions pending judicial order. And, in case of legal eviction and demolition, provide adequate compensation to the victims according to Angolan law.

b). Promote and implement a housing policy that is in accordance to the human rights.

c). Create venues of dialogue between Provincial Governments and Civil Society Organizations with area of expertise are the defense and respect to the right to housing and land. In this form guarantee that evictions are carried out in respect to the national and international norms of human rights and the administrative procedures approved by Angolan Government.

d) Investigate cases of illegal demolition and forced eviction that resulted in abuse and violation of human rights. Punish in exemplary form those responsible for abuses and provide victims with alternative housing and financial compensation for the suffering during the eviction process.

e) National Assembly should, according to the powers provided in the Constitutional law, create commissions to investigate those among public office that violate human rights.

f) Promote land tenure that guarantees the title of land and property to traditional communities and informal establishments both in urban and rural areas.

g) Train and educate authorities responsible for evictions and demolitions in order to guarantee the respect to human rights and to substitute violence with other means of conflict resolution.

X. Signs of Advances

Since the end of the war, in 2002, AJPD has registered some important improvements in terms of human rights. First, we would like to cite the effort of the National Department of Human Rights (Departamento Nacional de Direitos Humanos) that since 2003 dedicates itself to a National Plan of Action in Human Rights (Plano de Acção Nacional de Direitos Humanos). In the past, the government created an Administrative Committee (Comité de Gestão) with members from the several ministries, federal institutions, political parties and civil society organizations to think and contribute for the elaborations of a Human Rights National Plan of Action.

A second important advancement was when on April 19, 2005, the President and a large majority in the National Assembly (Assembleia Nacional) confirmed the former Minister of Justice Paulo Tjipilica, for a four-year mandate as Angola First Public Officer (Provedor de Justiça de

Angola). Following, Paulo Tjipilica sent the Parliament his proposals for the creation of a new Provedoria and its mandate. Though the Provedoria still faces material problems, we hope that this will be solved soon. In fact, it is possible to notice a relative governmental effort in the creation of new courts and measures that contribute to the strengthening of those institutions for the protection of human rights.

In fact, it seems that the Government is committed to promoting actions that will benefit human rights organizations. However, as long as there is no political will and practical measures to improve the infra-structure and governmental facilities destined to those that work in the defense of human rights, all discourse and work done will have no implications to the lives of Angolan citizens.

In general, currently in Angola, we notice a greater involvement of civil society a greater acknowledgement of people of their rights and a crescent partnership between the civil society and the governmental institutions. Therefore, AJPD is honored to promote some innovative initiatives such as the cooperation with legal and technical seminars and training on human rights for police commandants and agents of the National Criminal Investigation Department (Direcção Nacional de Investigação Criminal, DNIC). To the time of this writing, there had been two seminars and others were scheduled for 2006. We also would like to cite AJPD's work in the writing of the Angolan Charter of HIV/AIDS and Human Rights.

At the same time, AJPD recognizes that the National Police has dedicated considerable attention to the promotion, education and qualification of its officers. The signing of this partnership demonstrates the interest and commitment by the General Command

Another important thing to mention in regards to the fight against HIV/AIDS is the inauguration, in September 2005, of the National Institute of the Fight Against AIDS (Instituto Nacional de Luta contra a SIDA), that among its attributions is the elaboration of an strategic plan to fight against AIDS.

Not a bit less important is the creation of a program to prevent the transmission of HIV/AIDS from the mother to the child (Programa de Corte de Trasmissão Vertical) and the expansion of the provision of anti-retroviral therapy to other three provinces in addition to the Luanda administration.

XI. Conclusion

In the past three years, since the end of the war in 2002 that affected Angolans for almost three decades, Angola has experienced relief, euphoric joy and an important move towards the respect of human rights recognized by the Angolan Constitution and international norms.

Today, we live in a country with a more organized civil society. Angolans are more attentive to their rights. There is a political openness that contributes to the development of partnerships between government and civil society. In general, we notice some governmental effort and willingness to create and strengthen institutions that monitor and promote freedoms and fundamental rights in Angola.

However, to enjoy the benefits of peace, Angola must publicly repudiate, investigate and punish those responsible for abuses and human rights

violation from police forces, the prison system and even hospitals. The Angolan legal system must be immediately revised to include means to protect more vulnerable groups such as women and children. National health and housing policies must be rewritten and adapted to the reality of transition, reconstruction and rehabilitation of Angolan society.

Only then we will embrace the significant changes that are still needed. The human rights situation in Angola continues to be far from ideal. In this report, we presented some of the most typical abuses committed throughout Angola.

Angolan authorities and government must be open to constructive criticism and practical recommendations that seek to contribute to the development, maintenance of peace and consolidation of democracy in our country.