



PUNISHING DISSENT

SUPPRESSION OF FREEDOM OF
ASSOCIATION AND ASSEMBLY IN ANGOLA

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Cover photo: Largo de Independencia (Independence Square), Luanda, where most youth demonstrations have taken place in Angola.

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Punishing Dissent:
Freedom of Association, Assembly and Expression in Angola

Background and introduction

"Whoever criticises the government is persecuted"

Youth activist

The Republic of Angola became an independent State in 1975 after a 13 year-long war of independence, at which point the Popular Movement for the Liberation of Angola (*Movimento Popular para a Libertação de Angola* – MPLA) took power. Following independence a civil war ensued between the ruling MPLA and one of the other liberation movements, the National Union for the Total Independence of Angola (*União Nacional para a Independência Total de Angola* – UNITA) which lasted 27 years. During this time the MPLA maintained political power. It maintains power to date. The current president of Angola, José Eduardo dos Santos has been in power since 10 September 1979 when he took over from the country's first president Agostinho Neto who died in September 1979.

In February 2011 an individual under the pseudonym of Agostinho Roberto Jonas dos Santos called for a demonstration on 7 March 2011 against President Eduardo Jose dos Santos using online media. On 20 February 2011 the Secretary of MPLA publicly stated that Angolans should not confuse the reality of the country with that of the Arab countries in Africa. He reminded Angolans of the history of war in the country and stated that serious measures would be taken against those who took to the streets. Despite this threat some youths in Angola were inspired to demonstrate. "The Arab Spring motivated us", a youth activist commonly known as Mbanza Hamza¹ told Amnesty International delegates. "This is what we had been waiting for." During a rap concert on 27 February 2011, rapper Luaty publicly announced his intention to participate in the 7 March demonstration. "I wanted to be a part of this." He later told Amnesty International delegates.

On the day of the planned demonstration 16 people went at midnight to the *Largo de Independência* (Independence Square), where the demonstration was to be held. They had decided it would be a peaceful demonstration. That "they would sit down and not fight. Not use offensive words. And not retaliate [against any force]." One of them later told Amnesty International delegates that they were only in the area for 25 minutes before they were arrested by the police who later alleged that they had arrested them for their own protection as they had received reports of another group heading in their direction to attack them.

Since this first attempted anti-government demonstration on 7 March 2011, there have been over 30 peaceful demonstrations in Angola organised by groups of young Angolans mainly in Luanda in protest of the over 32 year-long rule of President José Eduardo dos Santos, as well as to raise human rights and social justice concerns. These concerns have included issues such as forced evictions; the treatment of female informal traders by security forces; enforced disappearances of demonstrators; the cost of tertiary education; lack of electricity and water services; as well as unfair distribution of resources. It is within this historical context that the suppression of freedom of association, assembly and expression has taken place.

Angolan authorities have responded to these demonstrations in a way that violates the rights to freedom of association, assembly and expression. They have refused to allow these peaceful demonstrations to take place even in circumstances where national legal requirements have been met and have suppressed demonstrations. Police authorities have carried out arbitrary arrests and

detentions; and used excessive and unnecessary force and firearms against demonstrators. They have also failed to intervene to protect demonstrators from attacks by third parties attempting to interfere with their right to demonstrate. In addition, authorities have subjected demonstrators to politically-motivated criminal charges and unfair trials.

This report highlights the violations of the right to peaceful demonstration as well as other human rights violations that have occurred in the context of peaceful demonstrations in Angola since March 2011. It calls on the Angolan authorities to refrain from arbitrarily preventing peaceful demonstrations and to take steps to ensure individuals in Angola are able to enjoy the right to peacefully demonstrate without fear of their human rights being violated by the state or abused by third parties.

Methodology

The report is based on information obtained by Amnesty International in meetings with government officials; lawyers; civil society organisations; and youth demonstrators during visits to Angola in April 2012 and March 2014.² It is also based on information obtained through telephonic discussions with relevant individuals and verified on-line reports obtained through desk research.

National and international laws governing demonstrations

“Freedom of assembly and peaceful, unarmed demonstration shall be guaranteed to all citizens, without the need for any authorisation and under the terms of the law.”

Article 47 of the Angolan Constitution

National laws

Demonstrations in Angola are governed by the Constitution and the Law on the Right of Meetings and Demonstrations (Lei Sobre o Direito de Reuniões e das Manifestações) of 11 May 1991 (the Law on Demonstrations). Article 47 of the Angolan Constitution states, “Freedom of assembly and peaceful, unarmed demonstration shall be guaranteed to all citizens, without the need for any authorisation and under the terms of the law.” The Law on Demonstrations also contains articles which promote and protect the right to peaceful demonstrations. Article 3 provides, “All citizens have the right to assemble and demonstrate freely and peacefully, in public places, open to the public and individuals, without need of any authorization...” In accordance with Article 9 of the same law, authorities have the duty to guarantee this right and ensure that it is not abused by third parties including those with differing positions from those demonstrating. The Law on Demonstrations further provides for the prosecution of any authority who unlawfully suppresses or attempts to prevent or suppress any demonstration.³

However, the Law on Demonstrations also contains articles which are of concern and may lead to the violation of the right to peaceful demonstrations. These articles are incompatible with Angola’s international human rights obligations as shall be seen. For example, certain restrictions, such as the prohibition of demonstrations before 19:00 during the week⁴, are not demonstrably necessary for the protection of national security or public safety, public order, public health or morals, or the rights or freedoms of others as required by international human rights laws and standards. Furthermore, some articles, such as the one permitting police from preventing demonstrations occurring in public places situated less than 100 meters from certain specified buildings,⁵ are so vague as to allow authorities to apply undue discretion in restricting demonstrations. Furthermore, although international human rights standards provide for the possibility that the law may require prior notification of demonstration, such provisions in the Law on Demonstrations have been interpreted in practice as a requirement to obtain authorisation.

International human rights laws and standards

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. "

International Covenant on Civil and Political Rights (ICCPR), Article 21

"Everyone shall have the right to freedom of association with others... No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

ICCPR, Article 22

The right to demonstrate is closely related to the rights of freedom of association, assembly and expression, all of which are guaranteed by the International Covenant on Civil and Political Rights (ICCPR)⁶ and the African Charter on Human and People's Rights (the African Charter) both of which Angola is a state party.⁷ Peaceful demonstrations are also an important component of the right to participate in the conduct of public affairs guaranteed by Article 25 of the ICCPR and Article 13 of the African Charter.⁸ Angola therefore has the duty to respect, protect, promote, and fulfil these rights. As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has underlined, this means that states have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.⁹ The UN Human Rights Council has further stated that public protests should not be viewed as a threat.¹⁰

Facilitating participation in peaceful assemblies helps ensure that people have the opportunity to express opinions they hold in common with others and facilitates dialogue within civil society and among civil society, political leaders and government, as well as being important for the full enjoyment of other human rights. The right to freedom of assembly covers both private meetings and meetings on public thoroughfares as well as static meetings and public processions; this right can be exercised both by individual participants and by those organising the assembly. As public assemblies are held to convey a message to a particular individual, group or organization, they should, as a general rule, be facilitated within "sight and sound" of their target audience.

While international law permits restrictions on the right to peaceful assembly, expression and association, such restrictions must be provided by law. The ICCPR in fact provides that restrictions must not only be provided for by law, but must be for the purposes of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and be demonstrably necessary for that purpose.¹¹ This means that any restriction must be first, provided by law; second, for the purpose of protecting certain public or the rights and freedoms of others; and, third, demonstrably necessary for that purpose. Any restrictions imposed which do not meet all elements of this "three-part test" constitute violations of the right.

The African Commission on Human Peoples' Rights has stated that any restriction on freedom of association and expression placed by a State should be consistent with the State's obligation under the African Charter.¹² It has further stated that restrictions on the right to freedom of expression,

“shall be provided by law, serve a legitimate interest and be necessary in a democratic society.”¹³ States should not “override constitutional provisions or undermine rights guaranteed by the constitution and international standards”. Nor should they, enact provisions which would limit the exercise of this freedom.”¹⁴ Any law restricting these rights must be set out in terms sufficiently precise to prevent authorities applying undue discretion in restricting freedom of expression and assembly. The authorities must also show the legal basis for any restriction imposed.¹⁵ In addition, the African Commission recently adopted a Resolution on the Right to Peaceful Demonstrations in which it calls on States to, among other things, “fully abide by their regional and international obligations to respect fundamental rights and freedoms” and “ensure that any legislation governing the exercise of fundamental human rights fully complies with the relevant regional and international standards.”¹⁶

Under international standards, any measure to ban or restrict any peaceful form of freedom of expression or demonstration must be assessed on a case-by-case basis. The Human Rights Committee, established pursuant to the ICCPR, has underlined that any restriction imposed for the purposes permitted under international human rights law must conform to strict tests of necessity and proportionality for that particular purpose and that no lesser restriction will suffice. It must further not put in jeopardy the right itself. Any restriction must also have a clear basis in a law which, because it deals with the exercise of human rights, must be set out in terms which are sufficiently precise to prevent the authorities applying undue discretion with regard to restricting freedom of expression and assembly. The burden is on the authorities to demonstrate the legal basis for any restrictions imposed.

Suppression of freedom of association and assembly

Although, as has been shown, the right to freedom of association, assembly and expression are guaranteed by Angola's national and international laws and human rights obligations, individuals have been prevented from peacefully demonstrating in the country. Authorities who should promote, protect and fulfil this right, have in some cases refused to allow demonstrations to take place contrary to international and national law. They have used excessive and unnecessary force against and arbitrarily arrested and detained demonstrators. In addition, in some cases demonstrators have been subjected to politically motivated charges and unfair trials. Amnesty International has also received reports that authorities have carried out acts of intimidation and harassment against organisers of demonstrations.

Refusal to allow demonstrations

"Since the demonstration on 2 April 2011 we have made sure to follow the law. Even so the demonstration on 2 April 2011 is the only one that has gone well."

Casimiro Carbone, youth activist

Although both the Angolan Constitution and the Law on Demonstrations state that individuals have the right to demonstrate without the need for authorisations, authorities have refused to allow demonstrations to take place. The stated reasons for the refusal have included failure to observe certain legal requirements; the occurrence of another event on the same day and place; as well as the perceived threat to public order and security, without providing details of the perceived threat. The authorities have not provided any information on conditions needed to be satisfied in order to facilitate the occurrence of the demonstration in these cases. The cases below are a few examples of such refusal.

25 MAY 2011 DEMONSTRATION BY THE REVOLUTIONARY MOVEMENT FOR SOCIAL INTERVENTION (MOVIMENTO REVOLUCIONÁRIO DE INTERVENÇÃO SOCIAL – MRIS)

Authorities tried to prevent a demonstration planned for 25 May 2011 including by stating that it had not been authorised.

The demonstration was organised by a group known at the time as the Revolutionary Movement for Social Intervention (Movimento Revolucionário de Intervenção Social – MRIS) who had informed the authorities in writing on 6 May 2011 of their intention to hold a demonstration against extreme poverty. The Provincial Governor's office had confirmed receipt of the written notification on the day it was delivered, but had not responded before the day of the demonstration.

On 25 May there was a large police presence at the Independence Square in Luanda, where the demonstration was to be held, including helicopters overhead. One participant later told Amnesty International delegates that there were about 300 demonstrators in the area and police ordered them to disperse stating that it was for public security reasons. They also had a letter from the Provincial Governor apparently addressed to the police and dated 19 May stating that the demonstration was not authorized as it should have been carried out after 19:00 since it was being held during the week. The organizers however argued that they had not received any written communication from the authorities within 24 hours of receipt of their notification of intention to demonstrate, as required by law. According to

the law, the Provincial Governor, if he objects to a demonstration on the basis that the timing and location requirements have not been complied with, must respond to the organisers of a demonstration in writing within 24 hours of receiving such a communication stating the reasons for such objection. Where the Provincial Governor fails to respond in writing, it can be considered that there is no objection to the demonstrations.¹⁷ Therefore, in line with the Law on Demonstrations, the organisers of this demonstration presumed the authorities had no objections to it. Neither the Provincial Governor nor the police authorities provided the organisers with any written document justifying the refusal to allow the demonstration. Nevertheless police reportedly used batons, teasers and dogs in attempt to disperse them. They also arrested and detained 16 people including journalist, Coque Mukuta. They were released hours after being detained and the majority returned to the area of the demonstration.

19 SEPTEMBER 2013 DEMONSTRATION BY ANGOLAN REVOLUTIONARY MOVEMENT

On 2 September 2013 a group calling themselves the Angolan Revolutionary Movement (Movimento Revolucionário Angolano – MRA) informed the authorities of their intention to carry out a peaceful demonstration on Thursday 19 September. In this communication they stated the purpose of the demonstration, which included raising concern regarding forced evictions; beatings and unlawful arrests of informal traders (zungueiras) by police and members of the provincial and municipal administration; the suppression of freedom of expression; and the disappearance of two men over a year earlier.

The Provincial Governor did not contact the organizers of this demonstration within 24 hours to inform them, in writing, of any objection to the demonstration. On 16 September, 14 days after the issue of the letter notifying the authorities of their intention to demonstrate, police authorities called the organizers for a meeting where they were apparently told verbally that the demonstration was not authorized. The police authorities did not provide a written substantiation for their objection to the demonstration taking place as required by law.

On Wednesday 18 September the National Police spokesperson went on national TV stating that the police believed the demonstration could jeopardise public order and security, although he did not say how, and that the demonstration was not “authorized”. He further stated that the police would, “repel... I repeat, vehemently repel all acts against public order and use force if necessary.”¹⁸

On the day of the planned demonstration, there was a high police presence in Luanda, particularly around 10 de Maio square where the demonstration was due to start at 15:00. This included the mounted police, canine police and military police. The police arrested, detained and reportedly beat people who they believed were about to take part in the demonstration. The online journal, Maka Angola, reported they had confirmed 23 young people were arrested.¹⁹ Many of them were released by 23:00 that same day. In a statement on the night of 19 September police stated they had arrested seven youths, however on the morning of 20 September eight - Adolfo António, Adolfo Campos, Amândio Canhanga, Quintuango “Roussef” Mabiala, Pedro “Pedrowski” Teca, Roberto “Pastor” Gambá, Joel Francisco and Antonio Feriera “Belenguete” - were taken before the Tribunal de Polícia on charges of contempt of authorities, because they had disobeyed the instructions of the police not to demonstrate.

NOVEMBER 2013 DEMONSTRATION BY UNITA

The opposition party, UNITA called for nationwide demonstrations following the revelation that Silva Alves Kamulingue and Isaías Sebastião Cassule, who had disappeared in May 2012, had been abducted by State

security agents and killed. All the legal requirements for holding a peaceful demonstrations were followed, but the authorities refused to allow the demonstration to go ahead alleging that the planned demonstration by UNITA in Luanda would coincide with a planned rally by the ruling party, MPLA. At the time MPLA publicly accused UNITA of trying to create chaos in the country.

Despite this refusal, from the evening of Friday 22 November into the early hours of the following Saturday morning hundreds of people nationwide went out to put up posters regarding the demonstration and/or the reported killing of Silva Alves Kamulingue and Isaías Sebastião Cassule. Police authorities arrested and detained these individuals in various police stations. One individual, Manuel de Carvalho "Ganga", was shot and killed by a member of the Presidential Security Unit (USP) after being caught putting up posters with others near the presidential palace.²⁰

On Saturday 23 November at 09:00 demonstrators met as planned near the Santa Ana cemetery in Luanda. According to information received by Amnesty International, police arrived about an hour and a half later and used teargas, dogs, anti-riot and mounted police to disperse the crowds. Riot police also fired shots into the air to prevent the UNITA spokesperson, Alcides Sakala, from making a statement to international media. Similar demonstrations in Bié, Bengo, Benguela, Cabinda, Cunene, Kuando Kubango and Namibe were also reportedly suppressed,²¹ but demonstrations went ahead in Malanje.²²

On 27 November a procession at the funeral of Manuel de Carvalho "Ganga", who had been killed by the USP guard, which was composed of hundreds of individuals wearing T-shirts demanding justice for his death, was prevented from continuing down the planned route by a strong police presence. The police presence included anti-riot police, mounted police, two water cannons and helicopters. According to reports, police also threw tear-gas into the crowd.²³ This delayed the funeral by over an hour.

The Angolan Law on Demonstrations requires organisers of demonstrations to notify authorities of planned demonstrations.²⁴ As seen from the cases above, this requirement has often been applied in practice as a need for authorisation. While the requirement to give prior notice of an assembly is compatible with the permissible limitations on the exercise of the right under international human rights law, the UN Human Rights Committee has indicated that such a requirement must not be such as to amount in practice to a requirement to obtain authorisation. Such a requirement would constitute a violation of the right to freedom of association and assembly.²⁵ Although the Law provides for the prosecution of any authority who suppresses or attempts to prevent or suppress any demonstration in contravention of the provisions of the Law on Demonstration, no authority has been brought to justice for this. The Angolan authorities are therefore not only violating international human rights laws and standards in this respect, but also their own laws.

Harassment and intimidation of organizers of demonstrations

Authorities have also used harassment and intimidation to suppress the right to freedom of association and assembly. Police have reportedly detained organizers prior to demonstrations and youth activists believe such action is taken to prevent demonstrations from taking place. For example, youth activists have stated that the night before a demonstration planned for 25 May 2011, one of the organizers was detained on suspicion of making threats and illegal possession of arms. It was not clear whom he had allegedly made threats against. He was apparently released the following day, the day of the demonstration. According to youth activists, on 3 September 2011, an organizer of a demonstration going by the name of Pandita Neru, was detained by people suspected of being police officials before the start of the demonstration.

Organizers of demonstrations have reported receiving harassing and intimidating phone calls including after a demonstration on 2 April and 3 December 2011, and in the run-up to a demonstration on 10 March 2012. They have also reported being abducted by men suspected of being State agents, who have come to be known colloquially as “Kaenches”, and being threatened with harm against themselves or their families if they continued to organize and take part in demonstrations. The website, www.centralangola7311.net, which was established to document information relevant to the demonstrations, has recordings which organisers of demonstrations say evidence some of these threatening calls.

The African Commission has called on States to, “protect peaceful protesters regardless of their political affiliation...”²⁶ However, authorities have also failed to protect demonstrators from abuses of their right to freedom of association and assembly by third parties. In May 2012, several individuals who have been involved in organizing demonstrations were attacked by “Kaenches” while meeting in a private home²⁷. Also in May 2012, “Kaenches” kidnapped two of the organisers of a demonstration, Silva Alves Kamulingue and Isaiás Sebastião Cassule.²⁸ It has since been revealed that the “Kaenches” were State agents who later killed them.²⁹

During the majority of anti-government demonstrations, including on 3 September, 11 November and, 3 December 2011; 10 March, 28 April and 27 May 2012, demonstrators were beaten by “Kaenches”. Demonstrators have stated that “Kaenches” have beaten them with sticks, stones, metal rods, and also punched and kicked them, sometimes inflicting grave injury. Ermelinda da Conceição Freitas stated that, during demonstrations on 3 September, two individuals, whom she suspected of being plain-clothed police officers, beat her near the 1o de Maio square and broke two of the toes on her left foot. They also put her into a car and drove her to the 4th police station where she was detained before being moved to the 2nd police station. However, during a trial that followed no police officer took responsibility for arresting her. Filomeno Veira Lopes, Secretary General of the opposition political party, Democratic Block (Bloco Democrático – BD), told Amnesty International delegates how he was beaten by unidentified men and sustained a head injury and a broken arm during a demonstration on 10 March 2012. Rapper, Luaty “Ikonoklasta” Beirão was also hit in the head and had to receive stitches for his wounds. He told Amnesty International delegates that moments before being hit over the head by a “Kaenche” he had tried to stop a police car to tell them that demonstrators were being beaten. Despite having blood on his clothes, the police accelerated and left.

Demonstrators and journalists covering these demonstrations have reported that police stood by while they were beaten, kicked and/or had their property damaged by the “Kaenches”. In some cases the “Kaenches” appear to have assisted police carry demonstrators into vehicles before they were driven to places of detention. Demonstrators have stated that they identified some of the attackers but despite lodging complaints against them the police did not appear to be carrying out investigations.

In March 2012 an anonymous group claiming to be “defenders of national peace, security and democracy” distributed leaflets in Luanda which stated that they would not allow protestors to create confusion and disorder. Soon after State media aired threats by an individual claiming to be a representative of this group.³⁰ In a meeting in Angola in April 2012, police authorities told Amnesty International delegates that investigations were being carried into this, however no progress appears to have been made to date and organizers of demonstrations continue to be subjected to intimidation, threats and attacks.

THE BEATING OF YOUTH ACTIVISTS DURING A MEETING IN MAY 2012

Mateus Gaspar Luamba Monteiro, Americo Vaz, Alfonso Mateas João “Mbanza Hamza”, Matius Alexandre “Libertador” Dias dos Santos, Wilson De Sousa Federíco “Jang Nómada”, Massilon Chindombe, Pedro Sozinho Neves “Mabiala Kianda” Sozinho, Jeremias Manuel “Explosivo Mental” Augusto and Juliano*³¹ have all been involved in organising anti-government protests.

On 23 May 2012 they were meeting in Casimiro Carbono’s home in Nelito Soares neighbourhood in Luanda when 15 unidentified, armed men apparently suspected of being state agents, entered the house at about 10pm where they were meeting and beat them. Mbanza Hamza said the men pushed their way into the house the moment he opened the door and started beating them. He was beaten on the head and body with an iron rod and reportedly suffered a head and arm fracture.

Gaspar Luamba was also hit in the head with an iron rod and his fingers were fractured. Wilson De Sousa Federíco “Jang Nómada” was also hit with an iron rod on his head. “Explosivo Mental” had swollen arms due to defending his head from attacks, a fractured finger on his right hand and haematomas all over his body. Massilon Chindombe reported that he ran to hide in a bedroom and one of the assailants pointed a pistol at him when he tried to close the door. He said he would report them to the police and the man responded, “What police?”

The assailants, upon leaving the house, reportedly shot three times in the air to ward off neighbours who had started to gather near the house and then disappeared in Land cruisers that appeared to be the type allocated to police officials. Carbono Casimiro was not beaten as he had left the house to attend to a call.

As already shown, both Angola’s national and international human rights obligation require Angola to protect the right of peaceful demonstration from violation by third parties.³² The failure of the authorities to do this constitutes a violation of the right of freedom of association and assembly.

Excessive and unnecessary use of force against demonstrators by police and other state agents

“We will not fight physically or through use of arms. We will fight through raising our voices and shouting for democracy and shouting for respect for human rights... They beat us and shoot at us, but we respond in a pacific way. We organise peaceful demonstrations.”

Hugo Kalombo arrested during a demonstration in Benguela in March 2012

The police have used excessive and unnecessary force against demonstrators during the majority of anti-government demonstrations, including on 3 and 9 September, 15 October, 11 November and 3 December 2011; on 10 March and 22 December 2012; 30 March, 27 May and 19 September 2013; as well as 27 May 2014. Police have punched and kicked demonstrators and have also used truncheons, batons, metal rods and the butts of firearm to beat them. Demonstrators have also reported being beaten in detention by police and other detainees at the orders of police officers. For example, following demonstrations on 27 May 2013 two demonstrators were reportedly beaten whilst dressed only in their underwear in the 6th police station in Luanda by a dozen police officers with metal cables and handcuffs, as well as by inmates instructed to beat them by the police.

PEDRO SOZINHO NEVES “MABIALA KIANDA”

Pedro Sozinho Neves is a 33 year old man who has taken part in demonstrations in Angola including on 25 May, 3 September, 9 September, 3 December 2011; 10 March and 23 May 2012; as well as 19 September

2013. In April 2012 he spoke to Amnesty International delegates and described his personal experience with police use of force during 3 September 2011 demonstrations.

“I arrived at the Largo de Independência at about 12:30. There were about 300 – 400 people there but many were dispersed by the police. I stayed in the area. Plain-clothed individuals were beating people at the square and when I ran away I met a police who tried to handcuff me. I tried to run away but someone – I think a plain-clothed police - hit me in the back of my head. I got up and the police punched me in the face and someone else punched me in the back of my head. I fell to the ground. Got up and retaliated against the plain-clothed individual. A police superintendent pointed a gun to my face and stated he would shoot if I ran away. I asked the police officer if he wanted to kill me and then went to help a 16 year old who was being beaten by 2 plain-clothed individuals. Two police officers then released a dog each and the dogs jumped on me. The dogs pushed me to the ground but were restrained before they bit me. The superintendent warned me that if I ran again he would shoot.

A police officer and one of the plain-clothed individual both carried me to a nearby police car. Another plain-clothed individual beat me from behind as they carried me to the vehicle. I was put into the back of a pick-up and made to sit on the floor of the pick-up under a bench. Three police got in with me at the back and I was taken to the 3rd Police Station. This was about 15:00.

I stayed in the cell till 23:00 then was taken to the 2nd Police station. The other prisoners shared their food with me but I did not get any food from the police. The other detainees at the 2nd Police Station were ordered to beat those of us who were demonstrators. Every time we left to be questioned we were beaten upon return by the inmates. We heard [a] Police Commander [...] telling the other people in the cells to beat us. On the Monday the [Provincial Police Commander] visited and told us we deserved to die, “If it was during the war you would be dead.” Unlike some of the others, I was released that day without a trial.

Emiliano “Ti Creme” Catumbela also reported being tortured whilst in detention.³³

EMILIANO “TI CREME” CATUMBELA

Emiliano “Ti Creme” Catumbela was arrested during a demonstration on 27 May 2013. He was initially held incommunicado, reportedly beaten whilst in detention and held for almost a month before being released. He shared his story with Amnesty International Delegates.

On Monday 27 May 2013 I attended the [demonstration] for Kamulingue and Cassule dressed like an Arab and was arrested by police at about 19:30. I was taken to the DPIC (Provincial Directorate of Criminal Investigation. *Direcção Provincial de Investigação Criminal* in Portuguese) and accused of attempted murder for allegedly trying to kill the District Police Commander of Maianga, but I hadn’t even seen him. Apparently some demonstrators threw stones at the police and one of the stones hit the Commander in the head. At DPIC I was beaten for almost 2 hours. There were about five men who beat me using clubs and iron rods. My hands were handcuffed very tightly and the blood could not circulate. I was also threatened with death.

I stayed at the DPIC for about 24 hours and was then transferred to the 44th Station in Maianga where the District Commander I allegedly attempted to kill is based. At the Station the District Commander told me I was his prisoner. I stayed there for about 48 hours before being transferred once again to the Maianga General Command. During this time I was not given anything to eat. My family didn’t know where I was and so could not bring food. At the Maianga General Command I was given a phone to call my family. They came to see me and brought me food on the Friday. This was the first time I ate since being arrested on Monday evening. My lawyers also visited me for the first time on this day.

Later that evening I was transferred to the Viana Prison under a heavy police presence. During the time of my detention several attempts were made to get me to stop participating in demonstrations. I was offered a house, piece of land outside Luanda and even a bursary to study outside the country. But I continue today and I will continue forever.

On 25 June I was finally released. My family and friends were outside the prison to meet me.

The response of the police to demonstrations has contravened Angolan law which requires police to be non-partisan, respect the Constitution, laws of the country and any international convention to which Angola is a party.³⁴ Police also have the duty not to abuse their powers³⁵ and to abstain from ill-treatment and acts of violence against others.³⁶ Furthermore, this reaction has violated international human rights laws and standards relevant to policing.³⁷ As a member state of the UN, Angola has a responsibility to implement international human rights standards relating to policing that have been adopted by the UN. In addition the African Commission has called on States to, “refrain from disproportionate use of force against demonstrators whilst fully complying with international standards on the use of force and firearms by law enforcement officials”.³⁸ These standards state that, “As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14 [of the UN Basic Principles on the Use of Force]”.³⁹ Principle 13 requires law enforcement officers to avoid the use of force when policing non-violent assemblies or, where that is not practicable, to restrict such force to the minimum extent necessary. Principle 14 states that when dispersing violent assemblies law enforcement officials should use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. They must, as far as possible, apply non-violent means before resorting to the use of force and firearms, which they may use only if other means remain ineffective or without any promise of achieving the intended result.⁴⁰ If the lawful use of force and firearms is unavoidable, police must exercise restraint in their use and act in proportion to the seriousness of the offence and the legitimate objective. Police must ensure that they minimize damage and injury, and respect and preserve human life. They should further ensure assistance and medical aid at the earliest possible moment for anyone injured or affected.⁴¹

Despite recommendations by the Human Rights Committee for Angola to ensure that “allegations of torture and ill-treatment [are] effectively investigated ... alleged perpetrators prosecuted and ... victims ... adequately compensated”⁴² the authorities have not carried out credible investigations into these cases. During a meeting with Amnesty International delegates in March 2014, the Minister for Justice and Human Rights stated that an inquiry had been carried out which showed that all the allegations of the demonstrators regarding violence by the police and third parties were false. When asked whether the findings of this inquiry had been shared with the public and particularly the victims, he stated that the inquiry was internal to the police, but that some aspects of it had been shared in a press conference.

International human rights standards require an effective investigation to be carried out in all cases of death or serious injury as a result of the use of force or firearms by the police.⁴³ Such an investigation must, among other things, seek out and interview witnesses and examine forensic evidence with a view to establishing all relevant facts. This includes a rigorous examination of any claim by police that they were acting in self-defence, and specifically whether or not the use of force was strictly unavoidable to protect life. If there is sufficient evidence of excessive or arbitrary use of

force those responsible should be prosecuted.⁴⁴ In addition, victims must be informed of and have access to any hearings as well as all information relevant to the investigation.⁴⁵

However, Angolan authorities have failed to carry out investigations into the use of force by law enforcement officers during demonstrations. Organizers of demonstrations informed Amnesty International that in May 2013 they lodged a complaint against several named police authorities and the Provincial Governor of Luanda for acts of aggression against demonstrators by police during the demonstration on 30 March 2013. This complaint included video documentation of assaults. It was only in October 2013, that the National Directorate of Investigation and Criminal Action initiated investigations into complaints. In March 2014 the organizers told Amnesty International that no further progress has been made in this regard. During a research mission to Angola in March 2014, Amnesty International delegates questioned the Attorney General regarding investigations into alleged torture and ill-treatment in detention, including in the case of Emiliano “Ti Creme” Catumbela. Despite his alleged torture being widely reported in national and international media,⁴⁶ the Attorney General stated that investigations could not be carried out unless the authorities were aware of torture allegations. He alleged that he had no knowledge of Emiliano “Ti Creme” Catumbela’s alleged ill-treatment and therefore had not instituted an investigation.

Arbitrary arrest, detention and unfair trials

“[Our lawyers] said they could not represent us without sufficient time to prepare our case, but the judge said if they refused the trial would commence without them.”

Mbanza Hamza

Police have also arbitrarily arrested and detained those taking part in demonstrations in violation of Article 9 of the ICCPR⁴⁷ and Article 6 of the African Charter;⁴⁸ as well as Articles 36, 64 and 67 of Angola’s Constitution. The arbitrary arrests and detentions have been accompanied by violations of other rights of arrested and detained persons including the right to be told of the reason for their arrest and charges against them;⁴⁹ the right to adequate legal representation;⁵⁰ the right to be presumed innocent until proven guilty;⁵¹ as well as the right to a fair trial.⁵² There have also been arrests and detentions of minors in violation of national and international laws. For example, one demonstrator, Manuel Nito Alves, said that he was first arrested and detained during a demonstration on 10 March 2012 when he was just 15 years old. Such arbitrary arrest and detention has continued despite the Concluding Observation of the Human Rights Committee in March 2013 that, “[Angola] should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and incommunicado detention [and] ensure that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the International Covenant on Civil and Political Rights.”⁵³ Furthermore, in the recent Resolution on the Right to Peaceful Demonstration, the African Commission called on States to, “refrain from conducting arbitrary arrests and detentions of demonstrators”.⁵⁴

In the majority of cases the detainees have been released without charge on the same day, but some have been held for much longer. In some cases demonstrators have been charged and brought before a court. In at least two instances those tried were acquitted of the charges:

- Following demonstrations on 3 September 2011, a total of 21 demonstrators were charged with corporal offences⁵⁵ for allegedly causing bodily harm during demonstrations. They were tried on 12 September and three were acquitted for lack of evidence. Two had their sentences

suspended as they were minors. The decision was appealed and the Supreme Court annulled their convictions due to lack of evidence and ordered further investigations

- On 9 September 2011 a demonstration was held outside the court to protest the arrest of the 21 demonstrators arrested on 3 September 2011. Police used dogs to disperse the crowds and arrested 27 people. These 27 were tried on charges of attacking security forces but all were absolved by a court on 19 September due to lack of evidence.

The majority of those who have been brought before a court on charges in relation to demonstrations have been conditionally released and still have criminal charges pending against them. Some examples include:

- Hugo Kalumbo, Jesse Lufendo and a youth known only as David detained in Benguela during demonstrations on 10 March 2012, sentenced to a year imprisonment and a fine on 16 March 2012 are on conditional release pending decision of an appeal.
- Hugo Kalumbo, Gabriel Chakussanga, Mateus Chiwale, Salomão “Alemão” Franciso, Baltazar Alberto and António João Ferreira Broas were arrested during a demonstration on 22 December 2012 calling for investigations into the disappearance of Silva Alves Kamulingue and Isaiás Sebastião Cassule seven months earlier. They were charged with vandalism of private property, insulting the police, causing panic and public disturbance. They were to be tried in a summary trial on 27 December 2012, five days after their detention despite provisions of the Criminal Procedure Code which require summary trials to start no more than 48 hours after arrest. However, the trial was postponed to the following day apparently due to the absence of the Judge. On 28 December the judge released them conditionally, apparently due to the lack of sufficient evidence to hold them in pre-trial detention. The charges against them remain.
- Following a demonstration on 19 September 2013 Adolfo António, Adolfo Campos, Amândio Canhanga, Quintuango “Roussef” Mabiala, Pedro “Pedrowski” Teca, Roberto “Pastor” Gambá, Joel Francisco and Antonio Feriera “Belenguete” were brought before a court on 20 September on charges of contempt of authorities, apparently because they had disobeyed the instructions of the police not to demonstrate. They were conditionally release pending trial on 23 September 2012, but re-arrested moments after their release. On 23 September they were taken back to court on the charges of contempt of authorities and new charges of causing a disturbance. They were conditionally released on 200 000 Kwanza (US\$2 000) bail each pending trial after further investigations by the police. The charges against them remain.

TRIAL FOLLOWING 3 SEPTEMBER 2011 DEMONSTRATIONS

During a demonstrations on 3 September 2011 one of the organizers, Pandita Neru, was reportedly briefly abducted leading to an unplanned march towards the Presidential Palace. Third parties, suspected to be State agents, infiltrated the demonstration, beat demonstrators and carried out acts of vandalism. Police arrested 21 demonstrators and detained them in various police stations around Luanda. They were later charged with disobedience, resistance and aggression against the police. On 12 September 2011 three were acquitted for lack of evidence. Dionísio Gonçalves Casimiro “Carbono”, Alexandre “Libertador” Dias dos Santos and three others were sentenced to three months in prison, while 13 were sentenced to 45 days’

imprisonment. Two of these 13 had their sentences suspended as they were minors. Those sentenced appealed the decision, but an application for conditional release pending the decision of the Supreme Court was refused. On 14 October, 3 days before the expiry of some of their sentences, the Supreme Court annulled their convictions due to lack of evidence and ordered further investigations, as well as their release. Some of the detainees shared their story

Dionísio Gonçalves Casimiro “Carbono” (31 years old)

“My name is Dionisio Gaoncalves Casimiro, but most people call me Carbono. I am 31 years old, a music producer and promoter, as well as a youth activist. I started taking part in demonstrations on 7 March 2011. Before then a group of us had used hip hop and other cultural means to raise our dissatisfaction with the way the country is governed. The Arab Spring motivated us to take to the streets in peaceful protest. I have been arrested during demonstrations on 7 March, 25 May and 3 September 2011.

On 3 September the demonstration was to start at 12:00 – 12:30 but before the start, Pandita Neru was abducted and we didn’t know where he was. We demanded to know his whereabouts from the police and said we would walk to the presidential palace if he did not turn up. At about 13:00 we started walking towards the palace and about 500m from the square we met a group of [“Kaenches”] and police. They beat the demonstrators with iron bars, wooden clubs, batons and the butt of guns. We have videos of this beating. Police knew “Kaenches” were beating us but did nothing.

I was apprehended by about four or five police as I was marching and taken to a car where there were six other detainees. I was taken to the Catinton police station, but only found out where I had been taken later. The others were taken to different stations. I stayed there from the Saturday till the Monday. On the Monday I was taken to the Public Prosecution Service at the DPIC. I did not have a lawyer at the time. Nor was I told the specific charges against me. All those arrested during the demonstration were there and none of them were told of the charges against them. On the Tuesday we were all taken to court and accused of corporal offences and vandalism. The charges were later changed to disobedience, resistance and aggression against the police.

On 8 September the trial started. I did not speak to a lawyer till my first appearance in court. Our lawyers weren’t even given enough time to read the documents. The trial was manipulated and all the allegations were lies. The doctor who was called to testify said there was no correlation between the testimony of the police and the medical evidence. I was accused of throwing a white board at a police officer. I later saw a video with someone else holding the board. The trial lasted for about a week. We were in court from morning till 22:00. Before passing judgement, the judge received a call and even though there was no evidence to connect us to the allegations against us, some of us were convicted. I and four others were sentenced to 90 days. We had been charged with all three crimes. The others, who had not been charged with all these crimes, were sentenced to 45 days. A woman, a minor and a young man with a disability were absolved. Our lawyers appealed and after 41 days in prison we were released because there was not enough evidence to keep us detained.”

Ermelinda da Conceição Freitas (61 years old)

“I was born in Angola and was forced to leave the country when I was 22 years old. I lived in Portugal and Germany, but always dreamt of returning to Angola. I returned in May 2009 to a different Angola. What I saw disgusted me - the social injustice. I was in Lubango at the time, but in May 2011 I returned to Luanda. I had been in touch with the youth activists from Lubango, but didn’t know them. When the 3 September 2011 demonstrations were organised I was there as there was nothing preventing me from attending.

I arrived at the demonstration at about 11:00. I was standing near the area of the demonstration when demonstrators started marching at about 13:00. Two plain-clothed police officers apprehended me from behind. One of them deliberately stamped on my left foot very heavily with his boot and broke the big toe and the toe next to it. They then put me in a car. I was taken to the 4th Police Station then transferred to the 2nd Police Station, then to a police station at the Island at about 22:30 the same day after having been taken before someone from the Public Prosecution Service. At first I was with Mbanza Hamza and other demonstrators at the 4th Police Station, but then I was transferred. I was not told the reason for my arrest. That is a luxury in Angola. They took my phone and I was unable to speak to my family. They still have not returned my phone. I was told that my lawyers had come looking for me on the Saturday, but were told I was not at the Station. Someone from the Democratic Block Political Party, which I belonged to at the time, apparently told the Station Commander that they knew I was definitely there and was allowed to leave food for me.

On the Monday I was taken to [the Public Prosecution] and saw the other detained demonstrators. We were not told the charges against us. On the Tuesday I was granted conditional release and able to stay home and go to court from my home. On 7 September I went to the clinic and found out that my toes were broken. When I had been detained at the police station, I had been taken to the medical post and given an injection for the pain, but nothing else.

The trial started on 8 September. It was strange. This was the first time I spoke to my lawyer and the lawyers were not allowed to have time to discuss the case with us before the trial started. I was accused of having thrown a rock at a police officer, but I had had an operation on my arm at the time and could not have physically thrown the rock. The judge asked the police officers who had arrested me and none of the police officers took responsibility for my arrest. At one point the judge was called to talk to someone outside the courtroom and came back with a different attitude. It was also strange that the police testifying that they had been hurt by us during the demonstration only went to a clinic on 5 September even though they alleged they had been hurt on 3 September. In the end, on 12 September, I was absolved due to lack of evidence against me. Another young man with a disability and a minor were also absolved.”

Alfonso Mayenda João Mateas “Mbanza Hamza” (29 years old)

“I am 29 years old and a primary school teacher. I have been dissatisfied with the social injustice in my country for a while. The Arab Spring motivated us. This is what we had been waiting for. I decided enough was enough and felt I needed to do something. I have participated in almost all the demonstrations since 7 March 2011 and have been arrested in at least three of these. I have also been beaten in many more.

On Saturday 3 September 2011 I was arrested near the Largo de Independência, as we were marching towards the Presidential palace to demand the release of Pandita Neru, by a police commander who took me to police officers. There were Kaenches beating people at the time. The police put me in a car and took me to the 4th Police Station with about five others where they asked for our identifications. We didn’t stay there for long before being taken to the 2nd Police Station on the same day. At the 2nd Police Station there were about 11 of us. Here they asked for our identifications again. They then divided us and took us to different stations again. They moved us around a lot. Our families didn’t know where we were and we got confused. I remember being taken with another demonstrator who had a disabled arm to Samba. I think we were all taken back to the 2nd Police Station on the Monday 5 September. At about 16:00 all of us demonstrators were taken to someone from the Public Prosecution Service at the DPIC. Three men asked us to confirm our identities. We weren’t told what we were charged with at that time. We did not have lawyers with us. I think I was then transferred to a police station in Nova Vida. At some point I was taken to the Kakila prison. Not sure when. It might have been on the Friday after the trial started.

On 8 September the trial started and our lawyers were given five minutes to read the case file. They said they could not represent us without sufficient time to prepare our case, but the judge said if they refused the trial would commence

without them. Our lawyers insisted this be reflected in the court records and then the trial started. One of the police officers accused me of having thrown a rock at him and he had a big bandage on, but the doctor testifying said he had the smallest injury. There were a lot of inconsistencies with the testimony of the police. The demonstrator with a disabled arm, was accused of throwing something at a police even though it is physically impossible for him to throw anything. He was later absolved due to insufficient evidence. Kady [Mixinge], who was arrested when he went to report Pandita [Neru's] abduction was absolved and so was Ermelinda [da Conceição Freitas]. Two minors had their sentences suspended. I and four others were sentenced to 3 months. 11 others were sentenced to 45 days. The five of us who were sentenced to 3 months were the ones accused of actually attacking the police.

After sentencing we were taken to the Cormaca de Viana and then the five of us were transferred to a prison in Bengu after two days without our families' knowledge. The conditions in Bengu were worse than those in Viana. We did not receive any visits and weren't allowed to leave our cells. On 14 October we were finally released due to a Supreme Court decision. The court suspended our sentences and ordered further investigations. We had to report to the Court every month and sign a document for the first six months of our release. Nothing has happened since."

TRIAL FOLLOWING 10 MARCH 2012 DEMONSTRATION IN BENGUELA

On 10 March 2012, three youths were detained in Benguela when heavily armed police broke up a demonstration calling for the removal of the president of the National Electoral Commission (Comissão Nacional Electoral – CNE). They were taken before the Benguela Provincial Court on 12 March on charges of disobedience, but the trial was adjourned due to the absence of the Benguela Provincial Governor who was the complainant. The trial started on 13 March 2012 and on 16 March they were convicted of the charges and sentenced to a year imprisonment and a fine. They appealed the conviction and were conditionally released after paying a fine. There have been no further developments regarding the appeal. Hugo Kalumbo (25 years) shared his story:

"I was among the demonstrators in Benguela on 10 March 2012 and actually helped to organise the demonstration. The aim of the demonstration was to call for the removal of Susana Ingles as the president of the CNE (National Electoral Commission) and call for more jobs in Benguela. This was the first demonstration calling for this. We had informed the Benguela provincial government on 13 February 2012 of our intention to hold the demonstration, but they did not respond. We planned to march from Commandante Kassange to Av. Antonio Augustinho Neto to Jardim Milenário to Largo de Juventude.

On 10 March police were patrolling the whole city from 05:00. There were PIR (Rapid Intervention Police) in all the areas we had planned to go so we went to Largo de Pesca instead. We arrived there at 10:00 to mobilise people, but we noticed police there as well. Nevertheless, the demonstration started at noon. At 12:30 the Provincial Governor passed through the area then the PIR started acting.

They beat people and arrested me, as well as someone from [a local NGO.] A young man who had been passing by and stopped to see what was happening was also arrested.

A number of PIR agents lifted me up and put me in the back of a police vehicle. They first drove around with me then transferred me to a public order police vehicle. I was then taken to the Municipal Police Unit in Benguela. This was around 14:00. I was put in a cell and they took all my property including my phone, bag, shoelaces and belt. All three of us were put in a cell with three other people who were not demonstrators. 45 minutes later we were transferred to a hidden police station. We were told we were filthy and could be killed and were slapped a few times. We were afraid. We

stayed for an hour in this place before being taken to the DPIC (Provincial Criminal Investigation Police) cells in a Toyota Hilux at about 17:00. We were put in a cell of about 2m x 3m. At first it was only the three of us, but more people were added to the cell till there were about 18 of us.

On 12 March we were taken to court and spoke to our lawyer for the first time. We should have been tried on this day but were not. Instead we were taken to the Benguela Penitentiary. The next day we were taken back to the court where we were charged with disobedience and accused of throwing stones at the police. We didn't know the charges against us until the trial. We were also told we had carried out an illegal demonstration. There were some witnesses against us but they gave false declarations. The police and provincial government official gave false testimony against us. At 16:00 on the Tuesday the trial stopped and continued on the Wednesday at 14:00 till midnight. The decision was postponed to Thursday 15 March but didn't happen till the Friday (16 March). Around 15:00 we were convicted and sentenced to 45 days. Our lawyer appealed and requested conversion of the sentence into a fine. This was converted to 56 000Kz each which was paid. Our lawyer also appealed to the Supreme Court and we are awaiting a decision.

Despite this we will still carry out demonstrations. It's the only weapon we have. We will continue calling for democracy and respect for human rights. We will not fight physically or through use of arms. We will fight through raising our voices and shouting for democracy and shouting for respect for human rights. They beat us and shoot at us, but we respond in a pacific way. We organise peaceful demonstrations.”

Enforced disappearances and extrajudicial executions

There have also been reported and suspected cases of attempted and actual enforced disappearances as well as extrajudicial executions by police and state agents. Some organisers of demonstrations have reported being abducted by “kaenches” prior to demonstration. For example before the demonstration on 3 September 2011 Pandita Neru was reportedly abducted by unidentified men. His disappearance caused a commotion amongst those preparing to demonstrate who threatened to march to the Presidential Palace if he was not returned. He was apparently released later that day. Although the Angolan Constitution requires that arrested individuals, their families and lawyers are informed of the place where the arrested person will be taken, many of the demonstrators have reported being held in places they did not know and that their families were unaware of their place of detention. Others, like Manuel Nito Alves and Hugo Kalumbo, have reported being held incommunicado in unofficial, isolated places of detention. Manuel Nito Alves told Amnesty International delegates that he believes had he not shouted his name to onlookers at the time of abduction, he may have disappeared like Silva Alves Kamulingue and Isaias Sebastião Cassule. The two men disappeared in May 2012 and it were later revealed to have been killed by State agents.

ENFORCED DISAPPEARANCE OF SILVA ALVES KAMULINGUE AND ISAIAS SEBASTIÃO CASSULE

Silva Alves Kamulingue and Isaias Sebastião Cassule disappeared on 27 and 29 May 2012 respectively. They were involved in the organisation of a demonstration. It has since been revealed that they were abducted and later killed by State agents.

On 27 May 2012, Silva Alves Kamulingue, a former soldier, was abducted when he was on his way to a demonstration of former soldiers and former presidential guards which he had helped to organise, together with Isaias Sebastião Cassule. The demonstration was to demand pensions and salaries owed to former soldiers and presidential guards. Prior to the demonstration the former presidential guards opted out of the demonstration but the war veterans

proceeded with it as scheduled. However, the demonstration was suppressed by the police before it started and demonstrators dispersed. Silva Alves Kamulingue was on his way to the demonstration when at about 15:00 he telephoned a journalist and told him that he was being followed by well-built men in civilian clothes, whom he believed to be one of the “Kaenches”. He told the journalist that he feared for his life and he was running into a nearby hotel. According to the journalist, the line then dropped and he could not re-establish contact with Silva Alves Kamulingue, who has not been seen or heard from since then.

On 29 May 2012, Isaías Sebastião Cassule was contacted by telephone by a man who identified himself as “Tunga”, who said that he had a video recording of the abduction of Silva Alves Kamulingue. He agreed to meet this person at about 18:00 on the same day (29 May) in the area opposite the Angola-Cuba Market (Mercado Angola-Cuba) in the Cazenga neighbourhood of Luanda. He went there at the agreed time accompanied by a friend. According to this friend, within 15 minutes of their arrival at the meeting place, a car arrived and several well-built men (about four) whom he believed to belong to the “Kaenches” descended from the car and walked toward them. At that point, the friend was afraid and ran away, leaving Isaías Sebastião Cassule behind who has not been seen or heard from since.

On the day of his disappearance on 29 May 2012, at about 13:30, Isaías Sebastião Cassule had met a journalist in Luanda. Later on in the day the journalist tried to contact Isaías Sebastião Cassule again without success. It appears that by that time Isaías Sebastião Cassule had already been abducted.

The families of both men reported their disappearances to the police and other authorities and continued to search for them. The police repeatedly stated that they were not holding either man and initially claimed not to have knowledge of the case, despite the fact the case had been widely and regularly reported in the Angolan media and there had been public demands for information about the whereabouts of Silva Alves Kamulingue and Isaías Sebastião Cassule, as well as a number of demonstrations in relation to this case.

On 27 March 2013 police arrested the friend who had accompanied Isaías Sebastião Cassule the day he disappeared. This friend was arrested near the Mercado do Asa Branca reportedly without an arrest warrant. Prior to his detention he had appeared on Voice of America (VOA) and stated that no authority had approached him for information regarding the disappearance despite him being the last person to see Isaías Sebastião Cassule before he disappeared. It is within this context that the National Criminal Investigation Department (DNIC) arrested him. He remained in detention until 1 October 2013, when he was, according to VOA, released on US\$200 bail and requirement that he report regularly to the police. During his detention he was heard by the Public Prosecution Service who directed the case back to the investigating officer.

On 8 November 2013 Club-K, an Angolan blog, published detailed information regarding the arrest of several people in connection with their disappearance. The information was very detailed and went on to say that the two men had been killed and gave details of how their bodies had been disposed of.⁵⁶ On 13 November the Public Prosecution Service confirmed that the two had been kidnapped and that four people had been arrested in connection with the kidnapping. In March 2014, Amnesty International delegates were told by the Attorney General, during a research mission to Angola that nine agents had actually been charged in connection with this case, including the former head of the State Intelligence and Security Service. They were yet to be tried at the time of writing this report.

The case of Manuel de Carvalho “Ganga”, killed while putting posters near the Presidential Palace in November 2013 is another case of suspected extra-judicial execution. Police stated he and the other people arrested with him were distributing “subversive and offensive propaganda posters” in “violation of the security parameter of the presidential palace.”⁵⁷ They said he was killed attempting to run away. However, according to reports, those arrested with him at the time stated that he had

been shot and killed where he stood.⁵⁸ The Attorney General told Amnesty International delegates in March 2014 that Manuel de Carvalho "Ganga", had been killed "due to disrespect of authority", even though disrespect of authority is not a ground for police to kill a suspect. He stated that he had attempted to run away after having been arrested and that he "could have beaten a guard whilst attempting to run away". He also stated that a shot was fired, but that he was not sure why. The Attorney General further stated that there was an on-going investigation into the case. No further information had been received regarding this case at the time of writing of this report.

Suppression of freedom of expression and freedom of the press

Demonstrations are often carried out with the view of expressing a particular point of view. This is why the right to peacefully demonstrate is so closely associated with the right of freedom of expression. In terms of national⁵⁹ and international human rights laws and standards the right to freedom of expression includes the right to freely receive and impart one's opinion and ideas.⁶⁰ As already stated the right to freedom of expression may be restricted but any such restriction must be provided by law for the purposes of protecting certain public interests or the rights and freedoms of others; and be demonstrably necessary for that purpose;⁶¹ be consistent with the State's obligation under the African Charter;⁶² serve a legitimate interest and be necessary in a democratic society;⁶³ and should not override constitutional provisions or undermine rights guaranteed by the constitution and international standards.

The Angolan authorities have violated this right in the context of demonstrations, including by attempting to prevent journalists from covering demonstrations. Journalists who have attempted to do this have been threatened or beaten by police and "Kaenches" to prevent them from doing their work. On 25 May 2011 journalist, Coque Mukuta was detained whilst covering a demonstration. On 11 November 2011 a journalist from Rádio Ecclesia was dragged by police as he tried to cover a demonstration. On 3 December 2011, Rafael Marques and a journalist from Novo Jornal were arrested whilst covering a demonstration. Police threatened journalists and told them to leave the area of a planned demonstration on 30 March 2013. And following demonstrations on 19 September 2013, journalists Rafael Marques, Coque Mukuta and Alexandre Solombe were arrested whilst interviewing demonstrators who had just been released. They subsequently arbitrarily detained and beaten by law enforcement officers.

TRIAL FOLLOWING 19 SEPTEMBER 2013 DEMONSTRATION

On 19 September 2013 police suppressed a demonstration as it was about to start and arrested several people they believed to be demonstrators. In a statement that night the police stated they had arrested seven youths, however the next morning, 20 September, eight youths were taken before the Police Court on charges of contempt of the authorities, apparently because they had disobeyed the instructions of the police not to demonstrate. The court granted them conditional release pending trial on 23 September. However, moments after their release seven of the eight were re-arrested whilst being interviewed in the street by journalist Rafael Marques in the presence of two other journalists, Coque Mukuta and Alexandre Solombe.

The three journalists were then taken to the base of the Rapid Intervention Police (Policia da Intervenção Rápida -PIR) in Calemba along with the seven recently released demonstrators and another person who had apparently been arrested for taking photos on his iPad. They later stated that at the PIR base they were made to lie down on the floor of a van while a commander stamped on their backs. Other police also beat and stamped on them. From there they were taken to the office of the Provincial Criminal Investigation Directorate (DPIC) where the journalists and the other detainee were separated from the youth. They were then told by the Provincial Director of Provincial Criminal Investigation Directorate that they were not accused of any crime, that their beating had been "an excess" on the part of the police officers concerned and that they could institute a case against the police officers if they desired. The journalists and the person who took the photos were released about four hours after their arrest. However, the youth remained in detention until 23 September, when they were taken back to court for a hearing on the charges of contempt of authorities, as well as the new charge of causing a disturbance. The judge consolidated the charges

against them and released them on a bail of 200 000 Kwanza (US\$2 000) each pending trial after further investigations by the police.⁶⁴

The journalists instituted a case against the PIR in connection with their detention and beating, but have received no further information since then.

In addition, there have been cases of individuals arrested and detained for making statements or carrying material with statements against the president or government in the context of demonstrations. On the day of a demonstration on 19 September 2013, a member of the Democratic Block party was arrested near his home apparently for distributing a pamphlet with a photo of President Jose Eduardo dos Santos and the words, "Architecture of Hunger".⁶⁵ He was tried and acquitted on 24 September 2013. 17-year-old, Manuel Chivonde Nito Alves had been arrested a few days earlier, on 12 September, and charged with criminal defamation for commissioning T-Shirts printed with words insulting President José Eduardo dos Santos. The T-shirts were to have been worn during the 19 September demonstration. He was conditionally released on 8 November 2013, but still faces criminal defamation charges in relation to the T-shirts.

MANUEL CHIVONDE NITO ALVES

17-year-old Nito Alves was arrested by the police at about 10 am on 12 September 2013, in Viana municipality in Angola's capital, Luanda. He was arrested while collecting T-shirts which he had ordered to be printed with slogans against the Angolan president. The T-shirts were expected to be worn by individuals at a demonstration organized by a group of young people known as the Movimento Revolucionário Angolano-MRA (Angolan Revolutionary Movement) for the following week, on 19 September in Luanda. The slogans on the T-shirts read "Out disgusting dictator" (*Fora, Ditador Nojento*) on the front and at the back "When war is necessary and urgent" (*Quando a guerra é necessária e urgente*) in reference to the title of a book published in Angola in 2011, which called on young Angolans to participate more fully in public life.

Nito Alves was arrested without a warrant and taken to an empty building, which he later told Amnesty International delegates was the old Viana Police Station being rebuilt. As he was being carried into a vehicle he shouted his name to onlookers. One of them went to the press and denounced his arrest. Soon after word of his arrest got around.

At the empty building, Nito Alves was interrogated from about 09:00 till 16:00. He said he was asked who had funded the T-shirts and which political party was supporting him. He was also accused of insulting the Angolan President. He did not have a lawyer present at the time of interrogation. Later in the day, he was taken to the police station in Viana and the next day he was transferred to the DPIC in Luanda. He was held incommunicado for about three weeks. He later told Amnesty International delegates that he was held in isolation and received no visits from his lawyer or family for at least two weeks. It was not until 6 October that he was able to speak to his lawyer and family in private. He was then transferred to the Central Prison in Luanda where he was held in a cell with nine adults, in violation of Angolan and international human rights law.

Nito Alves was held in detention on suspicion of crimes against the security of the state, but was not charged nor tried for almost two months. Initially he was accused of defamation against the president on the basis of the writing on the T-shirts, an accusation that was later changed to insult (*ultraje*) of the President, which is punished under Article 25 of the 2010 law on crimes against the state with up to three years' imprisonment. This was apparently the first time that this article was being used. On 8 November 2013 he was conditionally released. Under the terms of his release, he had to report to the court every 15 days. After his release he was charged with defamation against sovereign organ. On 17 March 2014, Amnesty International delegates were informed by the Attorney General that his trial had been set

for 15 April 2014. However, his lawyers were unaware of this and had not received any notification of the trial date by 19 March 2014. On 19 June 2014, his trial started in the Viana Municipal Court. No decision had been made at the time of writing this report, in June 2014.

Criminal sanctions for defamation seriously inhibit the right to freedom of expression. They are particularly counter-productive to the right of public participation if they impose criminal sanctions for criticism of public authorities. The Declaration of Principles on Freedom of Expression in Africa state that public figures should be required to tolerate a greater degree of criticism than private individuals; and that sanctions for defamation should never be so severe as to inhibit the right to freedom of expression, including by others.⁶⁶ In addition, the Special Rapporteur on Freedom of Expression and Access to Information in Africa has called for the decriminalisation of laws limiting freedom of expression.⁶⁷

Conclusions

Amnesty International is concerned that the actions of the Angolan authorities against demonstrators in the country since March 2011 amounts to an effective ban on all anti-government demonstrations in the country. As has been shown, the authorities have responded to anti-government demonstrations in a way that violates the rights to freedom of association, assembly and expression, as well as the right to participate in the conduct of State affairs.

Every individual has the right to engage in peaceful demonstrations with others, including in demonstrations vocalising dissatisfaction with the government. While regulation of demonstrations maybe necessary to ensure public safety and security, including the security of those demonstrating, such regulation should not be such as to arbitrarily prevent or discourage individuals from participating in demonstrations. Authorities should not abuse their powers by arbitrarily preventing demonstrations taking place; or by subjecting demonstrators to politically-motivated charges and unfair trials. Police should not use excessive and unnecessary force against demonstrators; nor should they arbitrarily arrest and detain them. Furthermore, not only should the authorities stop suppressing demonstrations; they should also take positive steps to ensure this right is fully enjoyed including by protecting demonstrators from third parties who may wish to prevent them from enjoying this right.

Recommendations

Amnesty International calls on the Angolan authorities to ensure they respect, protect and fulfil the right to freedom of association, assembly and expression in the country. In Particular the organization makes the following calls:

To the President of Angola

- Send a clear public message to all Angolan authorities that peaceful demonstrations, including anti-government demonstrations, are a right protected by the constitution and international human rights treaties to which Angola is a state party and should not be violated.
- Instruct all security forces immediately to stop mistreatment and violence against demonstrators in custody, and all other uses of unlawful force during demonstrations and abide by international norms on the use of lethal force.
- Instruct all security forces not to collaborate with or tolerate acts of violence or other illegal acts against demonstrators.

Ensure respect for freedom of expression, in particular ensure that journalists and ordinary citizens are allowed to record and document demonstrations and the response by government security forces without suffering reprisals.

To the government of Angola

- Stop the use of criminal and administrative law in such a way as to dissuade people from taking part in demonstrations as a means of expressing their views, or otherwise to stifle criticism of the authorities.
- Issue a standing invitation to UN and African Commission on Human and Peoples' Rights' special mechanisms in particular the Special Rapporteur on Torture, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the African Commission Special Rapporteur on Freedom of Expression and Access to Information; and the Special Rapporteur on Prisons and Conditions of Detention to carry fact-finding missions to Angola and to investigate human rights concerns under their mandates and make appropriate recommendations to the authorities in Angola.
- Ratify the African Charter on Democracy, Elections and Governance and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights and make a declaration that would allow individuals and NGOs direct access to the court

Amnesty International further makes the following calls to specific post holders and institutions

To the Interior Minister

Ensure that all law enforcement agents respect and protect the right to freedom of association and assembly. In particular by:

- Ensuring that law enforcement officials do not use excessive and unnecessary force against demonstrators and that where force is used, that force is in accordance with international standards on the use of force and that all incidents are thoroughly and independently investigated, and that disciplinary measures are promptly effected against police officials found to have used such excessive or unnecessary force.
- Ensure that whenever a person participating in a demonstration is asked by a police officer to produce identification, the officer is required to provide that person with a receipt which, among other things, specifies the reason for the check.
- Publicly condemning arbitrary arrest and detention, torture and ill-treatment of demonstrators and ensuring that disciplinary measures are taken against law enforcement officials who carry out such human rights violations.
- Ensuring that law enforcement officials protect demonstrators from the violation of their rights by third parties, including any acts of violence against them. In this regard law enforcement officials should use only the minimum level of force necessary to contain the situation.
- Alerting law enforcement officials of their responsibility to ensure that anyone injured or affected as a result of use of force during a demonstration receives assistance and medical aid at the earliest possible moment, and their duty to report the incident promptly to superiors. Superiors should ensure an effective, independent review of the incident where appropriate.
- Ensuring law enforcement officials afford all those under detention access to their lawyer, family and a medical doctor.

The Interior Minister must also ensure that law enforcement officials respect the right to freedom of expression of all participants and the right of the public to information, and in particular ensure that journalists can carry out their work without unwarranted interference, including their work recording and disseminating information about events at the demonstration, including the actions of the police.

To the Attorney General

- Ensure that immediate, prompt and thorough investigations are carried out into allegations of arbitrary arrest and detention, excessive use of force, unlawful killings and other human rights violations by law enforcement officials and third parties. All suspected perpetrators of human rights violations in this regard must be brought to justice regardless of position or rank, in impartial proceedings meeting internationally accepted human rights standards for fair trial.
- Ensure that victims of human rights violations by police or other security forces have access to an effective remedy and adequate reparation.
- In the case of allegations of torture and other forms of ill-treatment by law enforcement officials, ensure that investigations are carried out even without the need for an official report by the victim in accordance with international human rights standards and national laws.
- Ensure all arrested and detained individuals have access to their families, lawyers and their family.
- Ensure that participants and suspected participants in demonstrations are not falsely accused of committing crimes and brought before a court even where there is insufficient evidence for a trial.

To the National Assembly (parliament)

- Repeal criminal defamation laws, particularly those providing special punishment for alleged defamation of the head of state or other public officials.
- Review legislation, policies and practices relating to public assemblies and demonstrations so as to ensure and facilitate the effective exercise of the rights to freedom of expression and of peaceful assembly in accordance with Angola's international human rights obligations and commitments, including by ensuring that:
 - any restrictions placed on these rights are only such as are demonstrably necessary and proportionate for one of the grounds expressly identified in human rights law;
 - as a general rule, demonstrations are able to take place within "sight and sound" of their target audience;
 - requirements for prior notification are not applied in a way which amounts to a requirement for prior authorisation;
 - failure to comply with prior notification requirements does not, on its own, lead to harassment of organisers or participants.

Punishing Dissent:
Freedom of Association, Assembly and Expression in Angola

To Provincial Governors

Respect and fulfil the rights to freedom of association and assembly including by not arbitrarily preventing demonstrations and public gatherings from occurring.

Annex: Table of demonstrations organised by youths in Angola

DATE	DETAILS
2011	
2 April 2011	The first successful anti-government demonstration organised by youths, after the attempted demonstration on 7 March, occurred on 2 April 2011. The Luanda Provincial Government was given notice of the demonstration on 24 March, which they stated aimed at calling for freedom of expression in the country. On 2 April hundreds of people attended this non-partisan, peaceful demonstration, held at the Independence Square in Luanda. Although the demonstration went ahead as planned without any suppression from the authorities, organisers of the demonstration reported later that month that they had received death threats, apparently to stop them from organising further demonstrations.
25 May 2011	Authorities tried to prevent a demonstration planned for 25 May including by stating that it had not been authorised; arresting one of the organisers the night before on what appeared to be trumped up charges; as well as carrying out arbitrary arrests and detentions of organisers on the day of the demonstration. On the day of the demonstration, the Provincial Governor stated that the demonstration was not authorized contrary to national and international law. The police arrested and detained some of the demonstrators who were denied access to a lawyer. All those detained were released the same day after intervention by representatives from the MPLA. Thereafter the demonstration went ahead without. (For further details see case in main text)
3 September 2011	On 3 September a demonstration turned violent after people suspected to be members of the State Information and Security Services infiltrated the crowds, vandalised property and beat individuals, including journalists. Police reportedly stood by and did not respond in the face of this violence. Scores of demonstrators were arrested. 21 were charged with corporal offences and were reportedly beaten in detention. They were tried on 12 September and five were sentenced to three months for disobedience, resistance and corporal offences. 13 were sentenced to 45 days. Two of these 13 had their sentences suspended as they were minors. A further three were acquitted for lack of evidence. They appealed the decision, but an application for conditional release pending the decision of the Supreme Court was refused. All 18 had their convictions suspended pending further investigations by the Supreme Court on 14 October and

	they were conditionally released (For further details see case in main text).
9 September 2011	On 9 September a demonstration was held outside the court to protest the arrest of the 21 demonstrators arrested on 3 September. Police used dogs to disperse the crowds and arrested 27 people. These 27 were tried on charges of attacking security forces but all were absolved by a court on 19 September due to lack of evidence.
15 October 2011	Prior to the release of those convicted on 8 September, youth activists organised a demonstration for 15 October to call for their release. Their intention to march was communicated to the Provincial Governor on 6 October. On 14 October 2011 those who had been convicted on 8 September were released, however the demonstration still went ahead. Some used the opportunity to march to show their solidarity for journalist, William Tonet, who had been convicted of criminal defamation earlier that month. Thousands of people reportedly attended the march which started from the Santa Ana Cemetery and was due to end at the Largo de Independência. However, police blocked access to Largo de Independência with dogs and water cannons. Demonstrators therefore went to Largo de Família instead, where they met peacefully and the police did not intervene.
11 November 2011	On 11 November 8 youths were detained during demonstrations in Luanda and taken to police establishments in Vila Alice. According to reports, a large number of men dressed in civilian clothes and carrying sticks were at the Santa Ana Cemetery, which was the meeting point, and tried to disperse the crowds. A large number of police officers with dogs also closed off access to Independence Square. They told the organizers of the demonstration that the communication they had received from the Provincial government authorising the demonstration was invalid. A Rádio Ecclésia journalist covering the demonstrations was reportedly dragged by police and verbally assaulted.
3 December 2011	On 3 December, suspected plain-clothed police assisted by “Kaenches” used force against demonstrators in Luanda. At least 7 youths, including Carbono Casimiro, Adolfo André and Alexandre Dias dos Santos had to be taken to hospital due to beatings or a yellow liquid that was squirted in some of their eyes. The Human Rights Watch Researcher for Angola, was present at the time and was also squirted with the yellow liquid. Journalist, Rafael Marques and a journalist from the newspaper Novo Jornal were detained by police. Two other journalists accompanied the journalist from Jornal Novo to the station. They were released later that day. The organizers of the demonstration stated they would institute a case against the authorities for aggression and failure to react to aggression of others. The liquid was to be analysed to determine what it consisted of. When asked by Amnesty International delegates about this liquid in April 2012, police authorities denied all knowledge of any reports of the use of such a liquid. They stated it was too rudimentary a

	measure to be adopted by the police. No investigations appear to have been carried out into the use of force during this demonstration. The organisers stated they received telephonic threats following the demonstration.
2012	
22 January 2012	A group of youths in Cacuaco, Luanda held a demonstration to protest the lack of water in their neighbourhoods. Before the start of the demonstration police arrested about 12 of them. Eight were later convicted and sentenced to 3 months imprisonment.
02 February 2012	Police beat and arrested a group of youths in Cacuaco who took to the street to call for the release of those detained on 22 January.
10 March 2012	<p>On 10 March 2012 a demonstration of about 30 people calling for resignation of President José Eduardo dos Santos and removal of Susana Ingles as the president of the National Electoral Commission was held in Kazenga, Luanda. Plain-clothed individuals used iron rods, electric cables, batons, sticks and stones to attack and disperse demonstrators while police reportedly stood by. Police authorities later denied any involvement in the violence and promised to carry out investigations; however those taking part in the demonstrations stated those beating individuals were from the authorities. Filomeno Veira Lopes and Ermelinda da Conceição Freitas, both of the Bloco Democrático political party, had planned to attend the demonstration and were in the Maculusso area of Luanda awaiting further information about those who had been injured when unidentified men beat them. Filomeno Veira Lopes sustained a head injury and a broken arm. Rapper, Luaty Beirão "Ikonoklasta" was also hit in the head and had to receive stitches for his wounds.</p> <p>Police later said that they received reports of two different groups confronting each other and assumed the groups had different philosophies. They also said police arrived at the scene after the clashes had ended, but that they would continue to investigate the case. In the days running up to the demonstration there had been reports of house raids, threats against the organisers, an unidentified armed gang launched a violent street attack on the organisers leaving several people seriously injured.</p>
10 March 2012	On the same day as demonstrations in Luanda three youths, Hugo Kalumbo, Jesse Lufendo and another individual known only as David, were detained in Benguela when heavily armed police broke up the crowds carrying out a demonstration also calling for the removal of Suzana Ingles as president of the National Electoral Commission (Comissão Nacional Electoral – CNE). Hugo Kalumbo was one of the organisers of the demonstration, Jesse Lufendo an employee of the child rights NGO,

	<p>OMUNGA and David a motorcyclist driver who was in the area at the time.</p> <p>They were convicted for disobedience and sentenced to a year imprisonment and a fine. The conviction appeared to be based on their attempt to carry out a demonstration without authorization, even though they had reportedly complied with all the legal requirements for carrying out a demonstration. OMUNGA and the lawyers appealed and paid for their provisional release. There has been no progress with their appeal to date (for further information see case in main text).</p>
28 April 2012	<p>About 100 youths calling themselves the Movimento Revolucionário de Cacuaco (Cacuaco Revolutionary Movement) planned a demonstration on 28 April to protest against the use of drugs, alcohol and prostitution which they alleged encouraged by political acts organized by the MPLA. They intended to march towards the vila de Cacuaco, however prior to the start of the demonstration police went to the area where the protestors were congregating in an apparent attempt to discourage them. After the police left a group of masked men armed with sticks, picks and blunt objects arrived in the area and beat those congregating causing the crowd to disperse. At least three individuals were injured. One protestor said he was denied medical treatment at the Cacuaco public hospital. Other members of the group alleged hospitals refused to give them medical assistance apparently due to orders given to them</p>
27 May 2012	<p>Silva Alves Kamulingue and Isaías Sebastião Cassule were involved in organizing a demonstration planned for 27 May 2012 by war veterans and former presidential guards, to demand payment of pensions and salaries owed to them. At the last minute, the former presidential guards decided not to take part in the demonstration, but war veterans proceeded with it as scheduled. However, before the demonstration could begin, it was violently suppressed by the police and the demonstrators dispersed.</p> <p>Silva Alves Kamulingue was abducted by “Kaenches” the day of the demonstration. Isaías Sebastião Cassule was abducted two days later. On 2 December 2013 the Public Prosecution Service in Luanda confirmed publicly that Silva Alves Kamulingue and Isaías Sebastião Cassule had been killed by agents of the Angolan State. Eight state agents and the ex-head of the State Intelligence and Security Service (SINSE), Sebastião José Martins have been charged with murder in connection with the death of the two (for further information see case in main text).</p>
14 July 2012	<p>The demonstrators were held in Luanda to protest the inclusion of someone with a criminal conviction as an MPLA election candidate. According to demonstrators the criminal conviction disqualified him from running. The demonstration was also to protest the disappearance of Kassule and Kamulingue. Demonstrators wore T-shirts with slogans, “Freedom & Democracy” and “32 years is too much”. One of the demonstrators stated that 200 people had been moving to the square but</p>

	<p>had been dispersed by another group before arriving. Police arrested 10 demonstrators and 2 journalists. Police spokesperson reportedly stated the demonstrators were a group of disorganized individuals that turned up to disturb public order and that the police turned up in the area to contain them. The police were reportedly waiting for the demonstrators at the meeting point for the demonstration. The police spokesperson also stated that the arrest of the RTP journalist had been a misunderstanding and the journalist had been released.</p>
20 September 2012	<p>On 17 September 2012 organisers of a vigil notified the Luanda Provincial Governor in writing of their intention to hold a vigil outside the UNITA party headquarters on 20 September. The purpose of the vigil was to discuss the results of the 31 August 2012 general elections. They further requested the presence of police to protect those participating in the vigil. They did not receive a response, however, on 20 September, police arrested 24 participants including Adolfo Campos, Pedro “Pedrowski” Teca, Luaty Beirão, Hugo Kalumbo, Jango Nómada, Tuca Yano and Nito Alves. Police pushed them into a vehicle and drove them to a police station in Cazenga where they were detained for about 6 hours before being released.</p>
22 December 2012	<p>On 7 December youth demonstrators notified the Luanda Provincial Governor, in writing, of their intention to carry out a demonstration on 22 December entitled, “We do not want to spend Christmas without Cassule and Kamulingue.” This was in reference to the disappearance of Silva Alves Kamulingue and Isaías Sebastião Cassule who disappeared in the context of demonstrations in May that year. They also sent a copy of the letter to the police stating that they would be willing to discuss any necessary alterations to the route planned to facilitate the protection of public security. In addition they reminded the authorities of their duty to respond within 24 hours in writing, failing which they would be entitled to assume there was no objection to the demonstration in accordance with the law. On 20 December they were called to a meeting with the National Police Commander and representative from the Ministry of Justice, the Interior Ministry and the Attorney General’s office to discuss the disappearances. The authorities stated that they had no knowledge of the disappearances as they had not been reported through the proper channels and they had not followed reports in the media. Dissatisfied with the discussion, the organisers informed the authorities that they would go ahead with the planned demonstration.</p> <p>On the day of the demonstration, police reportedly used tear gas, beat, shot at and arrested those who had gathered to demonstrate against the disappearance of Silva Alves Kamulingue and Isaías Sebastião Cassule. The demonstration started at the Independence Square in Luanda and was planned to end at Ministry of Justice in Maianga, but the demonstrators were impeded from going further by Rapid Intervention Police (Polícia da Intervenção Rápida – PIR) at Rua Marian Ngoubi. The</p>

	<p>PIR reportedly tried to enter into dialogue with the demonstrators, but at least two alleged infiltrators in the group threw rocks at them and parked cars. The PIR then threw tear gas into the crowd, beat them and arrested some of the demonstrators. They also apparently used rubber bullets. A number of demonstrators, including Emliano "Ti Creme" Catumbela were taken to the 4th, 5th and 6th Police Station. Most of the detained were released on the same day, but Hugo Kalumbo, Gabriel Chakussanga, Mateus Chiwale, Salomão "Alemão" Franciso, Baltazar Alberto and António João Ferreira Broas were transferred to cells at the Provincial Directorate of Criminal Investigation and remained in detention on charges of vandalism of private property, insulting the police, causing panic and public disturbance.</p> <p>They were to be tried in a summary trial on Thursday 27 December, more than 5 days after their detention despite provisions of the Criminal Procedure Code which require summary trials to start no more than 48 hours after arrest. However, the trial was postponed to the following day apparently due to the absence of the Judge. On Friday 28 December the judge released them conditionally, apparently due to the lack of sufficient evidence to hold in pre-trial detention. There have been no further developments with their case.</p>
2013	
30 March 2013	<p>On 5 March 2013, youth demonstrators informed the Luanda Provincial Governor, in writing, of their intention to carry out a demonstration on 30 March 2013 with the theme, "Right to life and liberty for those who think differently". The demonstration was aimed at calling for information on the whereabouts of Silva Alves Kamulingue and Isaías Sebastião Cassule who disappeared towards the end of May 2012. They informed the Governor that they intended to meet at the Saint Ana Cemetery in Luanda at 09:00 hours and remain there until 13:00 hours, at which point they would commence a march on Deolinda Rodrigues Avenue in the direction of the Independence Square. They stated that the demonstration would likely go on until midnight.</p> <p>They did not receive a response, however on 30 March, before the demonstration could start, police detained a number of the organisers of the demonstration. Police reportedly detained six people at 07:00 at the Viana municipality, in the outskirts of Luanda, in the spot where some of the demonstrators had agreed to meet before heading out to the city centre to join the others. At about 08:00 police detained Manuel Nito Alves near the supermarket Alimenta Angola, apparently while talking about the demonstration to ten other individuals. Police also detained others at the Saint Ana cemetery where about 100 Police were assisted by the canine, motorcycle and mounted brigade to stop the demonstration. Those who refused to leave were beaten with batons by police. Mauro</p>

	<p>Smith, Luaty Beirão and Adolfo Campos were detained when they enquired about the police presence and taken to the Cazenga police station at about 09:00 hours. After registering the detained men, the police transferred them to the Golf Precinct. Luaty Beirão told Maka Angola that the police told them they were not under arrest and therefore did not take away their phones. The police did not tell them the reason for their detention however. Manuel Nito Alves and two others were detained and apparently taken to Viana. Mbanza Hamza stated he was pushed around by the police at the scene, and taken to a vehicle to be transported to a police station, but released after showing proof that the demonstration was legal.</p> <p>Pedro “Pedrowski” Teca was detained with one other demonstrator, but did not know the name of the station where he was detained. They were both released at about 23:00 hours the same day on condition that the police took them home so they knew where they lived. He said he was told he deserved to die and would disappear from this earth if he continued.</p> <p>Police also threatened journalists covering the demonstrations with arrest and prevented them from approaching the area.</p>
27 May 2013	<p>On 13 May youth demonstrators informed the Luanda Provincial Governor, in writing, of their intention to hold a vigil for, among other things, the first anniversary of the disappearance of Silva Alves Kamulingue and Isaías Sebastião Cassule. They stated that the vigil would start at 16:00 on 27 May and end at 08:00 hours the following day. They did not receive any response.</p> <p>The vigil started as planned at 16:00 on 27 May. A reported 30 demonstrators had gathered at Largo de Independência where they were sitting dressed in black. Police barred the area to prevent other people from joining the demonstration then beat demonstrators, arresting about 12 of them. Some of those arrested reported that they were ill-treated or tortured in custody before being released. All except one, Emliano “Ti Creme” Catumbela, were released the same day. Emliano “Ti Creme” Catumbela was initially held incommunicado, reportedly beaten whilst in detention and held for almost a month on suspicion of having attempted to kill a police commander before being released (for further information see case in main text).</p>
19 September 2013	<p>On 2 September 2013 a group of youths calling themselves the Angolan Revolutionary Movement (Movimento Revolucionário Angolano) communicated to the authorities their intention to carry out a peaceful demonstration on Thursday 19 September. On 16 September police authorities informed organisers that the demonstration was not authorised.</p> <p>peaceful demonstrations. He further stated that the police would, “repel... I repeat, vehemently repel all acts against public order and use force if</p>

	<p>necessary.”</p> <p>On the day of the planned demonstration, police arrested, detained and reportedly beat people who they believed were about to take part in the demonstration. On the morning of 20 September eight youth were taken before the Tribunal de Polícia on charges of contempt of authorities. The court granted them conditional release pending trial the following Monday 23 September. They were re-detained moments after their release along with three journalists who were interviewing them. The journalists were released, about 4 hours after their detention. However, the youth remained detained till the following Monday 23 September, when they were taken back to court for a hearing on the charges of contempt of authorities, as well as the new charge of causing a disturbance. The judge consolidated the charges against them and, reportedly upon the request of the prosecutor, referred the case back to the police for further investigation. They were released on 200 000 Kwanza (US\$2 000) bail each pending trial after further investigations by the police (for further information see case in main text).</p>
<h2>2014</h2>	
27 May 2014	<p>Youth activists organised a demonstration calling for a commission of inquiry into the deaths of tens of thousands in May 1977, as well as into the killing of Manuel de Carvalho “Ganga” 22 November 2013. The demonstration was also calling for justice in relation to the killing of Silva Alves Kamulingue and Isaías Sebastião Cassule. The organisers reportedly complied with the requirements of the Angolan Law on Demonstrations, but received no response from the authorities. On the day of the demonstration police arrested 20 individuals as they arrived at the Largo de Independência. Manuel Nito Alves said they were beaten by police inside a police van, driven to Catete some 60Km from Luanda and then released there some several hours later.</p>

¹ Youth activists in Angola tend to use “activist names” instead of or in addition to their full names.

² In April 2012 Amnesty International delegates spoke to the Secretary of State for Human Rights, representatives from the Interior Ministry and National Police Command; the Justice Ombudsman; the Parliamentary Commission for Citizens’ Human Rights, Petitions, Complaints and Suggestions; youth demonstrators; as well as various civil society groups and members of the international community. In March 2014 Amnesty International spoke to the Attorney General; the Minister of Justice and Human Rights; a representative from the Justice Ombudsman’s office; lawyers for youth demonstrators; civil society; and youth demonstrators as well as members of the international community.

³ Article 14(4)

⁴ Article 5 of the Law on Demonstrations. The Article further prohibits demonstrations in unauthorized public or private open spaces, as well as beyond midnight unless held in closed venues, in theatre halls, or in buildings without residents

⁵ Article 4(3). See also Articles 3, 4, 5 and 8

⁶ Articles 22, 21 and 19 respectively

⁷ Articles 10, 11 and 9 respectively

⁸ UN Human Rights Council, resolution 22/10, the promotion and protection of human rights in the context of peaceful protests, adopted without a vote, 21 March 2013. The notion of freedom of expression and its link with political participation was also expressed by the African Commission in *Amnesty International and Others v. Sudan*, where it stated that freedom of expression is a fundamental human right, essential to an individual personal development, political consciousness and participation in the public affairs of a country.

⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, reports to the Human Rights Council, A/HRC/20/27, para. 27, and A/HRC/23/29, para. 49.

¹⁰ UN Human Rights Council, resolution 22/10, the promotion and protection of human rights in the context of peaceful protests, adopted without a vote, 21 March 2013.

¹¹ Article 19, 21 and 22

¹² Resolution on the Right to Freedom of Association adopted by the African Commission

on Human and Peoples' Rights, meeting in its Eleventh Ordinary Session, in Tunis Tunisia, from 2 to 9 March 1992. In Sir Dawda K. Jawara / Gambia (The), the African Commission reiterated this and concluded that this principle does not apply to freedom of association alone but also to all other rights and freedoms enshrined in the African Charter, including, the right to freedom of assembly.

¹³ The Declaration of Principles on Freedom of Expression in Africa, Principle II(2)

¹⁴ African Commission Resolution on the Right to Freedom of Association

¹⁵ See, for example, Human Rights Committee, General Comment 34, para. 27.

¹⁶ Resolution on the Right to Peaceful Demonstrations, Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

¹⁷ Article 7 of the Law on Demonstrations

¹⁸ This was stated during a news interview on the national TV station, TPA, a video of which can be viewed at <http://www.youtube.com/watch?v=c2ajPcz995Y>

¹⁹ (English) Police Detain 23 at Anti-Government Protest in Luanda, Maka Angola, 20 Setembro, 2013

http://makaangola.org/index.php?option=com_content&view=article&id=9480:english-police-detain-23-at-anti-government-protest-in-luanda&catid=2:uncategorised&lang=en

²⁰ Angola: Presidential Security Fatally Shoots an Activist, 23 NOVEMBER 2013, <http://allafrica.com/stories/201311240114.html>. Also see other articles in footnote below

²¹ Angola: Violent repression of peaceful protests highlights risks of dos Santos succession, Jon Schubert, November 27, 2013, African Arguments, <http://africanarguments.org/2013/11/27/angola-violent-repression-of-peaceful-protests-highlights-risks-of-dos-santos-succession-by-jon-schubert/> and Angola regressa à calma após um morto e 292 detenções em manifestação, P. Ndomba / Nelson S. d'Angola, 25 November 2013, <http://www.dw.de/angola-regressa-%C3%A0-calma-ap%C3%B3s-um-morto-e-292-deten%C3%A7%C3%B5es-em-manifesta%C3%A7%C3%A3o/a-17253675>

²² UNITA realiza manifestação em Malanje, Isaías Soares, 23.11.2013, VOA, <http://www.voaportugues.com/content/unita-realiza-manifestacao-em-malanje/1796388.html>

²³ Revolta crescente em Angola após repressão policial no cortejo fúnebre de opositor, Ana Dias Cordeiro, 27 Nov 2013, <http://www.publico.pt/mundo/noticia/policia-de-angola-tenta-reprimir-cortejo-funebre-de-activista-morto-pela-guarda-presidencial-1614104#/0> and Brutal crackdown fuels Angola rage, Louise Redvers, 29 Nov 2013, <http://mg.co.za/article/2013-11-28-brutal-crackdown-fuels-angola-rage>

²⁴ Article 6 of the Law on Demonstrations provides that organizers must inform the Provincial Governor of the province where the demonstration is to be held or other competent authority of their intention to demonstrate; the time, location and purpose of the demonstration; indicating the route of any march or procession intended as part of the demonstration. This must be done in writing at least 3 working days before the demonstration and the communication must be signed by five of the organisers indicating their names, profession and address; or by the board of directors if the demonstration is

arranged by an organisation.

²⁵ In the Human Rights Committee's Concluding Comments on Morocco [1999] UN Doc. CCPR/79/add. 113, para 24, the Committee states that it is concerned at the breadth of the requirement of notification for assemblies and that the requirement of receipt of notification of an assembly is often abused, resulting in de facto limits of the right of assembly, ensured in Article 21 of the ICCPR.

²⁶ Resolution on the Right to Peaceful Demonstrations

²⁷ See case study on beating of demonstration organizers below

²⁸ Amnesty International Report 2013, State of the World's Human Rights, Human Rights in the Republic of Angola (AI Index POL 10/001/2013)

²⁹ This information was confirmed by the Attorney General during a meeting with Amnesty International delegates in March 2014. See the case below for further details.

³⁰ Grupo pela Paz, Segurança e Democracia reivindica acção contra manifestantes em Luanda, 12 de Março de 2012, <http://tpa.sapo.ao/noticias/nacional/grupo-pela-paz-seguranca-e-democracia-reivindica-accao-contr-manifestantes-em-luanda>

³¹ *Not his real name

³² Article 9 of the Law on Demonstrations and Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, reports to the Human Rights Council, A/HRC/20/27

³³ Interview with Emiliano "Ti Creme" Catumbela with Amnesty International delegates in March 2014. See also Manifestante diz que foi torturado, 26.06.2013, <http://www.voaportugues.com/content/manifestante-diz-que-foi-torturado/1689795.html>; Advogados invocam ilegalidade de interrogatório para libertar activista preso em Luanda, Ana Dias Cordeiro 02/06/2013 <http://www.publico.pt/mundo/noticia/advogados-invocam-ilegalidade-de-interrogatorio-para-libertar-activista-preso-em-luanda-1596205>; "Garantiram-me que daqui a pouco vamos todos ser fuzilados", revelou Emiliano Catumbela, 28 Junho 2013, http://club-k.net/index.php?option=com_content&view=article&id=15568:garantiram-me-que-daqui-a-pouco-vamos-todos-ser-fuzilados-revelou-emiliano-catumbela&catid=14:entrevistas&Itemid=149

³⁴ Article 210 of the Constitution

³⁵ Article 5 (34) of the Disciplinary Regulations, Decree No. 41/96 of 27 December 1995

³⁶ Article 5 (48) of the Disciplinary Regulation as well as Articles 36 and 60 of the Constitution

³⁷ These include the ACHPR; the ICCPR; and the UN Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture); the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic principles on the use of force), 1990; UN Code of Conduct for Law Enforcement Officials, UNGA A/RES/34/169 (1979); the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Principles of justice for victims), UNGA A/RES/40/34(1985); and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and

Serious Violations of International Humanitarian Law, UNGA A/RES/60/147 (2005)

³⁸ Resolution on the Right to Peaceful Demonstrations, Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

³⁹ Principle 12 of the Basic principles on the use of force.

⁴⁰ Principle 4 of the Basic principles on the use of force.

⁴¹ Principle 5 of the Basic principles on the use of force.

⁴² Concluding observations on the initial report of Angola, adopted by the Committee at its 107th session (11–28 March 2013), paragraph 15

⁴³ Principle 22 of the Basic principles on the use of force; and Principles 9 and 10 of the Principles on extra-legal, summary and arbitrary executions. See also the Resolution on the Right to Peaceful Demonstrations, Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

⁴⁴ Principle 7 of the Basic principles on the use of force, Principle 18 of Principles on extra-legal, summary and arbitrary executions.

⁴⁵ Article 48 supra

⁴⁶ Manifestante diz que foi torturado, 26.06.2013, <http://www.voaportugues.com/content/manifestante-diz-que-foi-torturado/1689795.html>; Advogados invocam ilegalidade de interrogatório para libertar activista preso em Luanda, Ana Dias Cordeiro 02/06/2013, <http://www.publico.pt/mundo/noticia/advogados-invocam-ilegalidade-de-interrogatorio-para-libertar-activista-preso-em-luanda-1596205>; “Garantiram-me que daqui a pouco vamos todos ser fuzilados”, revelou Emiliano Catumbela, 28 Junho 2013, http://club-k.net/index.php?option=com_content&view=article&id=15568:garantiram-me-que-daqui-a-pouco-vamos-todos-ser-fuzilados-revelou-emiliano-catumbela&catid=14:entrevistas&Itemid=149

⁴⁷ Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

⁴⁸ Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

⁴⁹ Article 9(2) of the ICCPR and Article 63 of the Angolan Constitution

⁵⁰ Article 7(1)(c) of the African Charter and 14 of the ICCPR; and Article 67 (3) and (5); as well as 63 (d) and (e) of the Angolan Constitution

⁵¹ Article 14(2) of ICCPR; 7(1) (b) of the African Charter and Article 67 (2) of the Angolan Constitution. The presumption of innocence also encompasses the right not to make statements that will incriminate one and the right to remain silent guaranteed in Article 63 (e), (f) and (g) of Angola's Constitution

⁵² Article 14(1) of the ICCPR; Article 7 of the African Charter and Article 72 of the

Angolan Constitution

⁵³ Concluding observations on the initial report of Angola, adopted by the Committee at its 107th session (11–28 March 2013), paragraph 18

⁵⁴ Resolution on the Right to Peaceful Demonstrations, Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

⁵⁵ Corporal offences (*ofensas corporais* in Portuguese) are crimes which cause suffering or affect the health of others. They usually have to do with physical harm being caused to another such as assault or grievous bodily harm.

⁵⁶ Autoridades assumem morte de Cassule e Kamulingue; direcção do SINSE foi detida, 9 November 2013, http://club-k.net/index.php?option=com_content&view=article&id=16699:autoridades-assumem-morte-de-cassule-e-kamulingue&catid=9:preto-e-branco&Itemid=143

⁵⁷ The country is on edge over the death of another activist – and the state's apparent glee. 29 NOV 2013 00:00 LOUISE REDVERS, <http://mg.co.za/article/2013-11-28-brutal-crackdown-fuels-angola-rage>

⁵⁸ Angola: Presidential security fatally shoots an activist, Maka Angola / Monday, 25 November 2013, <http://www.afrika.no/Detailed/24537.html>

⁵⁹ Article 40(1) of the Angolan Constitution, “Everyone shall have the right to freely express, publicise and share their ideas and opinions through words, images or any other medium, as well as the right and the freedom to inform others, to inform themselves and to be informed, without hindrance or discrimination.”

⁶⁰ Article 19(2) of the ICCPR, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” As well as Article 9 of the African Charter, “(1) Every individual shall have the right to receive information. (2) Every individual shall have the right to express and disseminate his opinions within the law.”

⁶¹ Article 19 of the ICCPR

⁶² Resolution on the Right to Freedom of Association adopted by the African Commission on Human and Peoples' Rights, meeting in its Eleventh Ordinary Session, in Tunis Tunisia, from 2 to 9 March 1992. In Sir Dawda K. Jawara / Gambia (The), the African Commission reiterated this and concluded that this principle does not apply to freedom of association alone but also to all other rights and freedoms enshrined in the African Charter, including, the right to freedom of assembly.

⁶³ The Declaration of Principles on Freedom of Expression in Africa, Principle II(2)

⁶⁴ Amnesty International delegates spoke to the journalists involved in this during their research mission to Angola. The organisation also spoke to some of the youths arrested soon after their release. For additional information see, Jovens "revolucionários" libertados sob caução, <http://www.diarioangolano.com/index.php/politica/165-revu/4972-jovens-revolucionarios-libertados-sob-caucau> and The Magnificent Seven, Rafael Marques de Morais, 22 Setembro, 2013,

http://www.makaangola.org/index.php?option=com_content&view=article&id=11303&lang=en

⁶⁵ “Arquitecto da Fome” deu Cadeia, Administrador, 24 Setembro, 2013, http://www.makaangola.org/index.php?option=com_content&view=article&id=9650:arquitecto-da-fome-deu-cadeia&catid=2:uncategorised&Itemid=231&lang=pt

⁶⁶ The Declaration of Principles on Freedom of Expression in Africa, Principle XII

⁶⁷ “A bid to rid Africa of criminal defamation, sedition laws” available at <http://www.cpj.org/blog/2013/07/a-bid-to-rid-africa-of-criminal-defamation-seditio.php>.



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