

## REPORT

# ROUND TABLE MEETING (*SIDE EVENT*) HELD ON DISAPPEARANCES, EXTRA JUDICIAL KILLINGS INCLUDING ASSAULT OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS IN ANGOLA.

### Introduction

On 12 April 2013 Association for Justice, Peace and Democracy (AJPD) coordinated a round table meeting (side-event) on the fringes of the 53<sup>RD</sup> Ordinary Session of the African Commission on Human and Peoples' Rights in cooperation with Open Society for Southern Africa (OSISA-Angola), Human Rights Institute of South Africa (HURISA) and with support from the Norwegian People's Aid (NPA) and Open Society for Southern Africa (OSISA) and the theme was "**disappearances, extra judicial killings and assault of human rights defenders and Journalists in Angola**"

The roundtable gathered several human rights organizations from Angola including AJPD Platform of Women in Action (PMA), Association *Mãos Livres* (ML), SOS - Habitat, Revolutionary Movement and OSISA-Angola. Over 30 representatives attended from the following countries: South Africa, Zimbabwe, Kenya, Mozambique, Nigeria, Democratic Republic of Congo and Sudan attended. The three (3) below named Members of the African Commission on Human and Peoples' Rights, one (1) representative of the African Union Political and International Affairs and a representative from the Secretariat of the Network of African National Human Rights Institutions (NANRI) and Chairperson of the South African Human Rights Commission (SAHRC) as well as the President of the Mozambique National Human Rights Institution attended. The event was preceded by stimulating presentations from the Angolan NGOs which laid foundation for interactive discussion on the contemporary human rights issues affecting Angolan. These were enriched by the robust deliberations pioneered by the esteemed panel composed of:

- Honourable Commissioner. Alapine Gansou – Special Rapporteur on Human Rights Defenders in Africa;
- Honourable Commissioner. Soyata Maiga – Special Rapporteur on the Rights of Women in Africa and the country Rapporteur for Angola;
- Honourable Commissioner. Pancy Tlakula –Special Rapporteur on Freedom of Expression and Access to Information in Africa;

- Dr Salah Mohamed – AU Commission for Political and International Affairs
- Adv Lawrence Mushwana - Secretariat of NANRI and Chairperson SAHRC.

Madam Corlet Letlojane – Executive Director of HURISA, moderated the panel.

The following contemporary human rights issues were discussed at the side event: disappearances; Women's Rights; Freedom of Assembly and Speech; Freedom of the Press and Summary Executions. In addition to the Special Rapporteurs and distinguished speakers, Veronica Sapalo of PMA, Leopoldo de Amaral of OSISA and Mbanza of the *Movimento Revolucionário* took the floor.



**Verónica Sapalo, PMA Executive Director**, started by thanking everyone for their presence and then stated that her organization is working on gender issues, monitors the integration of gender policies in the general government budget (OGE) as well as on participatory empowerment of women in the public life of the country. In general there are many human rights issues in Angola

and civil society is looked upon as opponents of government. Human rights advocacy in Angola is a concern. The organisation continues to witness serious social and economic problems such as the lack of basic services for self-sustainability and the well-being of families. As for women, underdevelopment affects most as they continue to face discrimination and marginalisation especially, in accessing water, health, job opportunities and education.

Women are responsible for the household, and in many instances, seek employment far away from their home which interferes with the upbringing and education of the children. Educational opportunities provided for women are very minimal as compared to that of their male counterparts who are able to secure competitive jobs. The lack of school infrastructure and proper educational facilities is a major problem faced by most people, more especially girls, youths and people with disabilities. .

The lack of awareness and education about reproductive health right makes women to be active in the process of reproduction at the age of 52. There are no programmes or gender mainstreaming policies in Angola. There is little done to improve living standards or conditions in the practical sense of life of citizens.

The government should consider making resources available for Gender mainstreaming in order to pay attention to the basic needs of women.

PMA has been investing in educational programmes facilitated for women in several provinces through training sessions on women leadership. As a result, PMA has trained 9 grassroots organizations and has established several partners. However, the lack of financial support for grassroots organizations is a challenge.

Most women are in the informal sector and conduct their business mainly on the street pavements. But sadly, the government prevents them from selling their goods on street pavements and there is a great deal of police violence, with no progressive measures in place.



This is demonstrated by the lack of developmental program to improve hawkers from where they operate to a better place to ensure both their livelihoods and those of their families. Many women are chased away and we have registered cases of police assault of

pregnant women which resulted in premature deliveries of babies in public. However, the, responsible police officers are not being held criminally accountable

The survival of human rights organizations like PMA is at risk and funding from international organizations is drying up as International organizations are leaving Angola. Although some organizations are involved in

human rights for over 20 years, they are not granted public utility status, hence they cannot be eligible for state funding. Embassies hardly support HR projects - mainly due to economic issues and government partnerships. Therefore, these organizations are battling to stay afloat. In conclusion, she made the following recommendations:

- Call on donors to review their activities and support on-going actions of NGOs in Angola.
- Encourage Women to continue to stand against domestic violence despite the passing of the law 25/11. This law must be implemented and culprits be prosecuted and remedies be provided to complainants
- The government should consider investing in the education of women, youth and their families.
- The government should give effect to law providing services to access justice and legal counselling.

**Mr. Mbanza of the *Movimento Revolucionário* was next to take the floor** He alluded to the disappearances and summary killings in Angola, having in addition that the government is in excessive control over the activities of activists and journalists.

He reported that public media are controlled by the government and are often used for publicising the ruling party policies. All work of private media agencies are subject to control and all the news reporting human rights situation within the country are subject to censorship. The alternative media is constantly harassed by means of court proceedings and journalists are often intimidated by summons from the Directorate of Criminal Investigation (DNIC).

All actions of the civil society are aimed at upholding the Constitution, but government continues to repress demonstrations in a clear violation of the fundamental rights enshrined in the Constitution. A journalist Armando Chicoca was imprisoned for three months for disclosing cases of human rights violations in 2011. Rádio Televisão Portuguesa (RTP) journalists were assaulted while covering protests in Luanda. While the Revolutionary Movement (Revus) advocates for government compliance with national and international law (freedom of speech and demonstration), Mr Mbanza underscored.

He also alluded to the missing human rights activists including, Alves Kamuling and Isaias Cassule to which the police is not reporting anything on their whereabouts or on the progress of investigations up to this date. Although they claim there is investigation, family members are discouraged to speak to

the civil society or complain about the government's attitude.

In his remarks, **Leopoldo Amaral of OSISA** stated that Angola is isolated from other countries in the region. Angola has a dominating government and with a full grip over the media as well as the economy of the country. The country has the richest woman in Africa, the President's daughter, which testifies the high levels of economic inequality. The country has a Constitution, ratified various instruments that protect the civil and political rights, but does nothing to put them into practice. Spaces are limited for civil society organizations to promote human rights. The combined report of the Angolan government does not mention the role of human rights defenders. The international community is deprived of information and there are restrictions on foreigners entering the country. Owing to these restrictions, all demonstrations are violently suppressed for citizens and have resulted in forced



disappearances and extrajudicial killings.

**Commissioner Soyata Maiga, Special Rapporteur on the Rights of Women in Africa and Angola Country Rapporteur**, started by saying that the human rights struggle at international level was essential. She went on elaborating about her official visit to Angola in 2010 and the difficulties she experienced to organize a meeting with civil society. She then stated that this situation had already been denounced and is captured in the report she prepared after her mission.

As a country Rapporteur, the Commission is of the view that in order to establish a peaceful and constructive dialogue, work should be conducted with state support. She stated that she believes that civil society has familiarised itself with the report and emphasised the importance of reading the report and to monitor implementation of recommendations.

The Rapporteur explained that there would be a follow-up mission to verify the extent to which the recommendations were implemented. Angola submitted its periodic report because of her recommendation to the government to consider improving its relationship with the Commission.

She further emphasised that human rights defenders should be involved in the follow-up of these recommendations and that she did not understand how Angola, with all the resources it has, continues to see women die in labour because of poverty and violence perpetrated by its police.

She explained that the war had left many scars. It is, therefore, necessary that Angola ratifies the international norms and provide greater security for women, especially in the informal sector. It is also critical to urge the women to actively participate in public debates. She suggested that the next stage is to see the level of protection of women's rights and the resources made available to carry out this protection.

The Commissioner presented a number of concerns, appealing to NGOs to follow up, including:

1. The recommendations made by the Commissioner to the government of Angola during her official visit to Angola be monitored for implementation ;
2. It is necessary for the dialogue to improve between the Angolan government and the Commission;
3. Participation of the Angolan government in public sessions of the African Commission;
4. The report of the Angolan government contained conclusive recommendations and NGOs are required to do the follow-up;
5. The follow-up mechanism should consider investigation on women issues, especially the high number of women who lose their lives during childbirth, and also about police violence against women;
6. It is necessary to assess the levels of protection of human rights on the basis of procedures and build up the capacity of social actors.

The Commissioner reiterated her availability to work together with the

civil society and fulfil her mandate.

**Reine Alapini - Gansou, Special Rapporteur on Human Rights Defenders in Africa.** She saluted warmly the human rights activists for the courage and commitment they have been demonstrating during her term of office. She also reiterated that this is how Commissioners endeavours working with the civil society. For Commissioner Gansou, it was an honour to be present at the meeting and it would have been a shame not to attend, because she expressed the willingness to embrace the cause of the disappearances during the last session.

Madam Gansou expressed that she had already been in Angola working with human rights defenders and she understood the unwillingness of government to receive her in audience. Furthermore, she stated that many times the Commission had to liaise informally rather than formally so that work could continue. As the Special Rapporteur on HRDs since 2008, she met with several organizations and a strategy was adopted to continue the dialogue with everyone involved in the process, including governments.



Commissioner emphasised that she had never seen the representative of Eritrea to take the floor so calmly during the sessions. This confirmed the positive work of the Commission.

Within the context of Angola, it is important to have a mission to deal with issues of women and HRDs because they are the most affected in problems

brought to the attention of the Commission.

In April 2012, the Commission cautioned the risk of reprisals and said it was not worth going in this direction. She explained that she was also referring to this cooperation and vertical cooperation. The horizontal cooperation is there because of the travels to countries to work. It is based on vertical cooperation that influence as demonstrated in Eritrea.

The last strategy she contemplated about was working together as well as the willingness to work is there. However, there is time constraints. She voiced a number of recommendations and challenges including:

1. The establishment of dialogues and cooperation between the Commission and NGOs was required and working visits in respective countries should be encouraged;
2. The vertical cooperation and closer links with the United Nations; through planning and building of partnerships is of utmost importance;
3. The use of internet, sms, as means of communication between human rights defenders and the Special Rapporteur for HRDs, is highly recommended.



The Commissioner encouraged NGOs to invite her to a field visit, which was gladly accepted by NGOs in Angola.

**Pansy Tlakula, Special Rapporteur on Freedom of Expression and Access to Information in Africa**, started by reporting that it has been 7 years since she has been working with Madame Gansou and started when Lucia was

the only representative from the Angolan civil society attending sessions of the African Commission. The fact that so many activists from Angola take the floor in the Commission is an improvement that needs celebration. She went along the lines of madam Gansou and stated that there has to be an open dialogue between organizations and the government. This can be difficult to achieve, however this cooperation is necessary. She emphasised the importance of interacting with Corlett to get to know the strategies she use to get where HURISA is today, especially in engaging the South African government! Staying in parallel with government will bear fruitless results. Engagement in an open dialogue is very central and necessary strategy for humans defenders

The South African Government was not used to attending sessions of the Commission. After presenting a report that brought many government officials, they left and never returned. Monitoring of the implementation of the recommendations is very important. This will provide NGOs with the basis for interaction with government. She suggested Angolan NGOs to continue working with Corlett in order to improve strategies in engaging all the stakeholders.

However, she expressed concern about legislation on access to information in Angola. She reiterated a joint mission to be conducted by the three Commissioners to Angola. Depending on availability, should this not be possible, the other strategy would be going the CSO route of invitation in order to use the opportunity to interact with the Government.

She concluded by encouraging the organizations to invite the three Commissioners to visit Angola.

**Dr. Salah Hamad, Department of Political Affairs of the African Union** started by saying that organizations complain of the passivity of the African Union. He spoke generally on continent level and then focused on Angolan human rights situation.

As was mentioned by Commissioner Pansy and also by Commissioner Gansou, despite the fact that member states respect the mechanisms, accept the recommendations, they still do not apply them in practice. In this case, the best thing is to strengthen relationships with the Commission and the increase of NGOs is good because it increases the impact of interventions.

The AU Department of Political Affairs deals with this issue of disappearances and this process can provide the information to tackle the issues from this level. He mentioned that, efforts are made to take the initiative further, so that the Secretariat can validate the governmental platform in Africa.

He underscored that greater interaction between civil society and the Commission as well as with the African Union was imperative.

The formula is to allow the civil society in Africa to have access to the Peace and Security Council of the African Union. The CSOs can also engage with the panel of experts that open spaces for dialogue with AU organs. The panel will also listen to organizations to issues related to the AU Peace and Security Council. Efforts would be made in sharing some of the information and include into the information of the Commission.

The issue of awareness-raising at national level is important. Some MPs are unaware of some of the AU instruments ratified by states. This interaction with MPs will be an important feature of the work of HRDs. Most of the time the Government is not provided with the information. The ECOSOC of the AU has no representative from Angola and Angolans don't even know the meaning of the word.

He suggested the following areas where NGOs can work and establish dialogue:

1. The African Union is working on the assessment of democracies in Member States. As there is no mechanism to monitor democracy. An annual report on the performance of Member States will be produced. In addition to governance the report will address police violence.
2. Relationship between NGOs and the AU Peace and Security Council is important: NGOs should have access to the AU Peace and Security Council, request advice or reports on the human rights situation in Africa. The Panel of the Wise will be established;
3. There is need to strengthen the role of National Human Rights Commissions and the Ombudsmen;
4. He emphasised the inclusion of ECOSOC in activities of NGOs and – registration of NGOs with ECOSOC.

Nothing is impossible and there is a space to assess how best the AU can work with the CSOs from Angola. Therefore CSOs should seize the opportunity to request assistance and support.

**Adv Lawrence Mushwana, Secretariat of NANRI, Chairperson of the South African Human Rights Commission**, expressed his pleasure to hear about Angola. He mentioned a close cooperation existing between Angola and South Africa, including being hopeful with the end of the war and was wondering whether it was the beginning of another war?

He went on saying that he witnessed the process of establishment of the ombudsman office in Angola, but the person filing this position was the former Minister of Justice.

Adv submitted a proposal and strategies:

First there's a need to determine the spread of our organisations. He asked participants how many people in rural areas know about work of our organisations. He mentioned that in order to reach the impact we need to be visible at local level. He further stated that even members of parliament follow the rules of parliament and will do nothing if these issues are not brought to them. National Human Rights Institutions visit the areas of conflict and a need to document the disappearances is vital in order to bring to the attention of the United Nations.

These cases of forced disappearances and summary executions are very serious.

His contact details were at CSOs disposal for strengthened collaboration.

HRDs should ensure to bring these issues to the highest level in Geneva. He expressed unity in the fight against the common enemy. He requested additional information and would like to continue working with Angolan CSOs and other stakeholders. The importance of documentation was highlighted because mere talk is simply not effective.

**Custódio Duma, President of the Human Rights Commission of Mozambique**, took the floor and stated that they can't assist colleagues yet, since they were still undergoing internal restructuring. But pledged commitment to discuss the matter in other forums for possible support in the future, because the Commission has just been established recently. He mentioned that Mozambique has the same challenges with regard to persecutions and violations of human rights. He mentioned quite a number of recommendations for consideration of Angola and useful for collaborative work.

**Dzimbabwe Chimbga representing Zimbabwean Lawyers for Human Rights** also contributed by expressing unity in the fight against the violation of rights of defenders and availed his availability to support in the documentation of cases. He further stated that there is a need to disseminate the messages, improve the capacity of HRDs and the sharing of experiences. He concluded by emphasising the importance of information, accurate facts and documentation are required. One must always inform and create statistics to provide the right information.

**Salvador Nkamate from the Mozambican League of Human Rights**

supported the discussion by saying that similar situations are occurring in Mozambique including forced disappearances, summary killings among others. He mentioned that these are two governments with the same modus operandi and these are two regimes with excessive control.



He shared that in recent times there have been some pockets of armed conflicts, when Renamo waged attacks against police stations. The police retaliated by attacking a bus with civilians. As for the interaction with Government, a strategy has to be drawn on how this will happen. He alluded to the mechanisms at the AU level, having mentioned ECOSOC and the Peace and Security Council and the Panel of Experts. He emphasised the need for training on

documentation and information handling in order to substantiate the allegations.

The moderator Corlett Letlojane summarised the proceedings of the side event with the following key points

- Angolan NGOs should consider capacity intervention to be offered by HURISA to strengthen their advocacy and lobbying skills in order to harmonise relations with state officials to avoid parallel interventions
- The 3 Special Rapporteurs will conduct a joint missions to Angola through state invitation or by invitation initiated by CSOs or by the African Commission
- Angolan NGOs were encouraged to make use of the AU participatory processes, including engaging at ECOSOCC level and advocate for enforcement of the AU Peace and Security Council and understanding of Article 4 (h) of the AU Constitutive Act
- AJPD was requested to provide Advocate Lawrence Mushwana with sufficient evidence about the disappearances and extra judicial executions alleged to be systemic in Angola

- Increase networking and sharing of resources and expertise within the SADC region was emphasised

The meeting ended recommending the Angolan organizations to adhere to the various recommendations and to make provisions for a working visit to Angola by the three Commissioners.