

# ANGOLA

## @Assault on the right to life

Luanda. Sunday, 1 November 1992. Scores of bodies, victims of extrajudicial executions<sup>1</sup> by police and armed civilians, lie in the streets. Some have been doused with petrol, burned, and left to smoulder. The victims are mostly real or suspected supporters of the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Elsewhere, in areas which it controls, UNITA has also carried out deliberate and arbitrary killings<sup>2</sup> after house-to-house searches for government officials or supporters of the governing *Movimento Popular para a Libertação de Angola* (MPLA), People's Movement for the Liberation of Angola. Hundreds of people have been singled out for their support of the opposing side and killed in cold blood. "Caça ao homem" (man-hunt) or "limpeza" (clean-out) are the terms used in Angola to describe these systematic killings. Both the government and UNITA have shown callous disregard for the right to life.

The human rights situation in Angola now is far worse than it was before President José Eduardo dos Santos and UNITA leader Jonas Savimbi signed the May 1991 *Acordos de Paz para Angola*, Peace Accords for Angola<sup>3</sup>, to end the 16-year war. The Peace Accords, which were monitored by the United Nations Angola Verification Mission (UNAVEM II<sup>4</sup>) and observed by the governments of Portugal, the Russian Federation and the United States of America, were seriously flawed and incapable of bridging the gulf of fear and hatred between the two sides. Disarmament and demobilization were far from complete when elections were held in September 1992 and, when UNITA leader Jonas Savimbi rejected the election results,

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<sup>1</sup> Extrajudicial executions are extra-legal, summary and arbitrary executions carried out by soldiers, police or other public officials or by others acting at the instigation or with the consent or acquiescence of such officials.

<sup>2</sup> Amnesty International uses the phrase "deliberate and arbitrary killing" to denote wilful killings committed on the authority of an armed political group or with its acquiescence, in violation of international standards. Like the Angolan Government, UNITA is bound by the provisions of the Geneva Conventions of 1949 governing armed conflict. Common Article 3 prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against anyone taking no active part, or no longer taking part, in hostilities.

<sup>3</sup> They are also known as the Bicesse Accords after the town in Portugal where they were signed.

<sup>4</sup> UNAVEM I had been set up in 1989 to supervise the withdrawal of Cuban troops from Angola.

alleging that the government had rigged them, he was able to muster thousands of disciplined and well-armed soldiers and, within weeks, take control of over two-thirds of the country. Besides the victims of deliberate and arbitrary killings, tens of thousands have died as a direct or indirect result of the fighting and an estimated 1,000 are dying every day<sup>5</sup>. UNITA has attacked planes carrying humanitarian aid.

The aim of this report is to provide a glimpse behind the statistics and, by focusing on individuals and specific incidents of extrajudicial execution and deliberate and arbitrary killings and other abuses, to indicate the intensity of suffering and the depth of hostility and suspicion between the two sides. International efforts to bring the government and UNITA together to discuss peace are continuing. Any new peace agreement which does not take this legacy of hatred into account and which does not provide adequate mechanisms for human rights protection is doomed to failure. A summary of Amnesty International's proposals for such mechanisms is included in this report.

The initiative for ending this assault on the right to life rests primarily with the government and UNITA. Each side accuses the other of massive human rights abuses. Sadly, both are right. If they really are concerned about the right to life and other fundamental rights, they will act firmly to stop the killings and ensure respect for human rights and humanitarian principles. Amnesty International is continuing to investigate individual cases of extrajudicial executions by government troops, deliberate and arbitrary killing by UNITA and "disappearances" attributed to both sides as well as other abuses. As an additional action in its efforts to bring attention to these abuses, Amnesty International is bringing this report and details of individual cases to the attention of the UN Special Rapporteur on summary or arbitrary executions.

## **1. Background**

Angola has a long history of political killings. The government was responsible for the extrajudicial execution and "disappearance" of many hundreds, probably thousands, of people after a failed coup attempt in May 1977. UNITA also has a history of executing internal political opponents and in 1982 and 1983 at least 15 people, including young children, were publicly burned to death for alleged witchcraft.

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<sup>5</sup> UN Security Council, S/25840, 25 May 1993.

After the May 1991 peace accords there were further political killings<sup>6</sup>. These included the execution of two former senior UNITA officials and their families in Jamba, UNITA's headquarters in southeastern Angola. Although these and other killings attributed to both sides constituted blatant violations of the Peace Accords they were never adequately investigated, with the result that the use of violence as a political weapon increased. Under the terms of the Peace Accords for Angola, violations of the accords were to be investigated and dealt with by the body implementing the accords, the *Comissão Conjunta Politico-Militar* (CCPM), Joint Political-Military Commission. However, as the CCPM acted on the basis of consensus between the two parties, either party could veto any investigation which it felt might prove embarrassing. It is a fundamental principle of human rights law that investigations of human rights violations should not be subject to the whims of political parties, government officials or others. Therefore, in failing to make provision for independent investigations into human rights violations, the Peace Accords for Angola fell short of the international human rights treaties and standards which Angola and the observer governments have pledged to respect.

The requirements of the Peace Accords had not been met when elections were held at the end of September 1992. By then, there should only have been one military force in existence, the *Forças Armadas de Angola* (FAA), Angolan Armed Forces, consisting of equal numbers of government and UNITA personnel. However, the formation of the FAA had barely begun. Moreover, UNITA controlled thousands of soldiers who had not been demobilized and the government commanded a para-military police force which had been set up after the Peace Accords. Hundreds of prisoners had not been released from UNITA custody. Also, while UNITA was politically active in most parts of the country, none of the other political parties were able to approach voters in areas controlled by UNITA.

The election campaign was marked by a series of violent incidents in which at least 30 people were killed and dozens more injured. Early in October 1992, when first results of the election held on 29 and 30 September were beginning to suggest an MPLA victory, UNITA accused the government of massive fraud. It withdrew its soldiers from the FAA, and with thousands of others who should have been disarmed and demobilized under the Peace Accords, it began capturing towns and villages all over the country. Heavy fighting broke out in Luanda and other towns at the end of October and by early November many hundreds of UNITA supporters were dead - many of them victims of extrajudicial executions. Hundreds more, including high-ranking military officers, soldiers and civilians were arrested and hundreds still remain in government custody, detained without charge or trial.

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<sup>6</sup> For details see two Amnesty International reports: *Angola: An appeal for immediate action to protect human rights*, (AI Index: AFR 12/01/92 of May 1992) and *Angola: Will the new government protect human rights?* (AI Index: AFR 12/09/92 of August 1992).

After examining UNITA's complaints of electoral fraud, the UN, on 8 November 1992, declared that the elections had been generally free and fair and called on UNITA to accept the results. However, UNITA continued to occupy towns and villages, killing and abducting suspected government supporters. On 26 November a cease-fire was arranged but it was broken almost immediately and UNITA continued its advance. In early January the government launched ground and air assaults on UNITA positions and expelled them from several major towns. Once again there were reports of police and civilians carrying out deliberate and arbitrary killings of suspected UNITA supporters. Government and UNITA officials met in Addis Ababa in January 1993 and another meeting was due to start in February when UNITA announced that it would not attend. In early March, after a 55-day battle costing thousands of lives, UNITA expelled the last government troops from Angola's second largest city, Huambo. A fourth round of peace talks in Abidjan, Côte d'Ivoire, ended in failure in May. By July, it was estimated that the death toll since October 1992 was about 100,000 and that UNITA controlled about three-quarters of the country. In mid-July the UN Security Council threatened to impose an arms embargo after 15 September 1993 unless, by then, a cease-fire was in force and there was agreement on the full implementation of the May 1991 peace accords.

## **2. Killings in Luanda - the "Weekend War" and "Bloody Friday"**

The political killings which occurred in large numbers between Saturday 31 October and Tuesday 3 November 1992 and, with diminishing intensity, over the following weeks was not, as some government authorities suggested, the uncoordinated action of civilians stirred into rage by the provocations of UNITA. Yet the killings cannot be understood without reference to the way tension had steadily increased in Luanda and in other areas during the months leading up to the September elections and reached breaking point after UNITA rejected the election results and prepared for war. Many Luandans had learned to fear UNITA whose soldiers<sup>7</sup>, armed with automatic weapons and hand grenades, often behaved in a threatening manner, blocking off streets near its offices and residences, often arresting and beating passers-by. The lack of an independent press helped to increase the tension as the government-controlled daily paper, television and radio stations were heavily biased in favour of the government while UNITA's radio station carried only UNITA propaganda, including threats that war would resume if UNITA did not win the elections. As UNITA seized towns and villages, extending its control to over 60% of the country, the government, militarily and strategically weaker than before the May 1991 peace agreement, felt increasingly under siege.

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<sup>7</sup> UNITA soldiers acting as bodyguards to senior UNITA officials were given police status under the Peace Accords.

From mid-October the residents of Luanda's suburbs noticed that arms were being distributed locally to government supporters and to former members of the security forces and militia. In some suburbs police stations served as centres of distribution and arms were taken around in small trucks or police cars. On Saturday 31 October groups of police and civilians, including young boys, began to encircle buildings where UNITA supporters were believed to be living. One woman described how the child of a neighbour and family friend brought a group of four anti-riot police, popularly known as 'ninjas', to their door. The police searched the flat, destroyed some of the furniture, arrested her husband and took valuable items with them as they left. The husband was later released. Another block of flats was searched by an army colonel, seven uniformed police and some armed civilians, two of whom were wearing bullet-proof vests. One witness watched from his hotel window as groups of police and armed civilians went from house to house. He heard a shout, "another Kwacha" ('Kwacha' is slang for 'UNITA member'), then police arrested a man and handed him over to civilians who began beating him. There was a room-to-room search of the hotel and guests had to show identity documents. According to this witness "people from the south" were taken away. Many of the victims were reportedly selected solely because they were members of the Ovimbundu ethnic group, from which UNITA draws most of its support. Members of the Bakongo ethnic group were also arrested, apparently because they too were considered to be possible opponents of the MPLA.

Many of those arrested in house-to-house searches were immediately killed; in some cases those killed included several members of the same family. Some groups of armed civilians allegedly had lists of people in their neighbourhoods who supported UNITA. Most victims were reportedly shot but some were said to have been burnt to death after being doused with petrol. Dead bodies were also burnt. A video film seen by Amnesty International shows a crowd of civilians including very young boys exulting over a burning body, kicking it and throwing bits of cardboard at it.

Representatives of churches with mainly Ovimbundu congregations were targeted. On Saturday 31 October at least two Seventh Day Adventist pastors were killed in the Sambizanga suburb of Luanda. On the following day, Reverend Abraão, a 55-year-old pastor of the Protestant Evangelic community in Kikolo near Luanda, was killed. Some reports say that members of his congregation were also killed and buried in a common grave behind the Cacuaco municipal offices. Several other pastors of the same denomination were reportedly arrested and held in Luanda's former security prison, known as the Catete Road Prison, until their release in mid-December 1992.

On Sunday 1 November, police fired at a fleeing man, hitting him and two or three bystanders. The man managed to run into a house near the Holy Family Church in central Luanda but he was soon dragged out, thrown on the ground and killed with a close-range volley of bullets. A resident of Luanda's São Paulo suburb found an armed UNITA soldier hiding in a yard on 2 November. He arrested the soldier and handed him over to police who took the

prisoner a few yards away, then shot and killed him. Also in São Paulo suburb, four UNITA soldiers who had spent four days hiding in the attic of UNITA's local offices were driven by hunger to emerge. They were reportedly shot immediately and then children stopped motorists to ask for petrol to burn the bodies.

Of those who were arrested and taken to police stations or military barracks, some were held for varying periods and released, some remain detained and others "disappeared" in custody. Many witnesses spoke of people, including teenagers of both sexes, being severely beaten. One of those arrested on Sunday 1 November was taken first to the police headquarters on the sea-front. He and five other prisoners, including a 17-year-old boy, were then taken in armoured cars to a military barracks, where they were beaten and kicked.

Among those detained were the leaders and several members of four opposition parties who had supported UNITA's claim that the elections were rigged. Three of the leaders and most of their companions were beaten after arrest. André Kilandomoko, president of the *Partido Social Democrata Angolano* (PSDA), Angolan Social Democratic Party, was beaten in the face in the police station near the Cidadela sports stadium. Zeca, information secretary of the *Partido Democrático para o Progresso-Aliança Nacional Angolana* (PDP-ANA), Democratic Progress Party/Angolan National Alliance, was held in the Catete Road Prison - his nose and left upper arm were broken at the time of his arrest. Paulino Pinto João, leader of the *Convenção Nacional Democrática de Angola* (CNDA), Angolan National Democratic Convention, and three companions were taken to the Sambizanga suburb police station where they were beaten with rifle-butts and kicked. Paulino Pinto João received a pistol-shot wound in the arm. He and the other party leaders were released a few days later after being coerced to make anti-UNITA statements which were broadcast on television.

There were other reports of torture or ill-treatment. In the Catete Road Prison, prisoners were made to roll across the room while prison personnel beat them with hosepipes and sticks. This practice was called the "rolling carpet". In the same prison two 15-year old boys were bound together by the wrists so tightly that the wire bit deeply into the flesh of one of them. Some prisoners were threatened with execution or subjected to mock executions.

Many prisoners arrested at this time "disappeared" or were extrajudicially executed. Former prisoners reported that groups of their fellow inmates were removed from prisons late at night, usually after security personnel had read their names from a list. The remaining prisoners believed they had been taken for execution. Some informants said that they heard volleys of shots after prisoners were removed, indicating that executions had taken place in the prison precincts. Two former prisoners said that they had subsequently seen bodies in the prison yard. Among the "disappeared" are Pedro Marcelino Keleketa, a UNITA soldier and member of the FAA who had been wounded in the groin at the time of his arrest. He was held in the

Catete Road Prison for about two weeks and then moved to the National Directorate of Criminal Investigation where he "disappeared".

A woman who was arrested on Sunday 1 November and held in the central police station, said she had witnessed executions. She described how car after car entered the prison yard carrying suspected UNITA supporters. The prisoners were lined up and police standing on the first-floor balcony shot them. "It looked as if they were photographers taking photos. The yard was filled with corpses and each time prisoners arrived they were ordered to line up against the bodies and the scene was repeated." This witness said that one young man was hanged in the prison yard: he had protested that he was not a UNITA member but police said he had a southern accent and was therefore lying. She also witnessed the arrival of the bodies of UNITA's Vice President, Jeremias Chitunda, and its chief representative on the CCPM, Elias Salupeto Pena, who were killed as they tried to escape from Luanda on 1 November. The women prisoners were called out to see them and were forced to watch while police kicked and spat at the bodies. Altogether, she counted 73 bodies during the three days she remained in the police headquarters.

Foreign journalists visited the Camama cemetery on the outskirts of Luanda in mid-November 1992 and heard from grave-diggers how anti-riot police had brought groups of prisoners to the cemetery and shot them. Some prisoners were wearing UNITA tee-shirts, caps or uniforms. At least 11 were said to have been killed in the cemetery on 2 November and four more were reportedly shot immediately outside the cemetery. On 6 November over 30 people were reportedly shot and buried in a shallow grave several hundred yards outside the cemetery.

During the first week of November executions were taking place on a daily basis. Thereafter reports of deaths in Luanda were more sporadic. However, dozens of killings took place in outlying districts. In Viana, for example, over 40 people were named as having been killed between 11 and 30 November 1992. Justino Cahumba and three neighbours, all of the Ovimbundu ethnic group, were arrested early on 11 November at their homes in the Morro de Areia area of Viana. Two days later their bodies were found in the Sapu area of Viana.

The information available to Amnesty International, including lists of named victims, suggests that those extrajudicially executed in and around Luanda in November numbered several hundreds at least. Some independent sources estimate that the total was about 3,000.

A further wave of killings, this time victimizing people belonging to the Bakongo ethnic group which spans the border between Angola and the Republic of Zaire, began almost simultaneously in several of Luanda's open-air markets on "Bloody Friday", 22 January 1993. Armed civilians, reacting to government claims that Zairean mercenaries had assisted UNITA in capturing the northwestern town of Soyo and its oil installations, reportedly killed dozens of people considered to be Zaireans on the basis of their clothing or accent. They wounded others

and looted the possessions of their victims. Police sources in Luanda said that at least 22 people had been killed and dozens injured in the attacks. Unofficial sources, on the other hand, put the death toll at over 60. They alleged that there may have been some form of official provocation of the killings and complained that members of the police not only failed to stop the attacks but also participated in the looting.

### **3. Killings by government forces in other parts of the country**

Similar patterns of extrajudicial executions occurred, on a lesser scale, in towns and cities all over Angola. The most detailed reports available to Amnesty International came from Benguela and Lubango.

During October 1992 UNITA had seized control of several districts in Benguela province and there were numerous reports of government officials and supporters being killed by UNITA soldiers and supporters. In Benguela, the provincial capital on the Atlantic coast, and the neighbouring port of Lobito, violence broke out on Saturday 31 October and lasted until 3 November 1992. Government police and armed civilians killed a number of UNITA officials and supporters: others were arrested. In early January 1993 there was another wave of attacks against known or suspected UNITA supporters. Peter Katenguenha, the 50-year-old owner of a photography studio, and several court officials and a judge were among those said to have been arrested and deliberately killed. Linda Kalufele, an active member of the UNITA women's organization, and her husband reportedly "disappeared" after riot-police arrested them at their house in the Caponte suburb of Lobito on 6 January 1993. Foreign journalists who visited Benguela and Lobito later in January 1993 heard directly from civilians who had joined the police. One is reported to have said, "When we attacked the UNITA offices, they did not expect us. They had no guns. The first person to be killed by our side was shot by a 16-year-old boy, and then we threw grenades into the building." Another said, "They must be hunted down and killed. This war will never end until they have been wiped out"<sup>8</sup>.

In Lubango, the capital of Huila province, the pattern of killings was similar to that in Benguela city. Waves of violence in early November 1992 and again in January 1993 were accompanied by deliberate and arbitrary killings. In January the UNAVEM II delegation in Lubango tried to restore peace but its efforts were frustrated when government police entered the UNAVEM II camp and arrested three UNITA members of the joint government-UNITA monitoring commission set up under the Peace Accords, who had sought refuge in the camp. The police killed one UNITA member on the spot and took the other two away despite protests

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<sup>8</sup> The Times, 18 January 1993.

from UN personnel; they have apparently "disappeared"<sup>9</sup>. On 2 January, a group of about 40 government troops attacked the Hotel Império in Lubango which served as the living quarters of UNITA representatives and their families, reportedly killing most of the people who were in the hotel at the time. UNITA says that there had been about 80 UNITA members in the hotel, including five or six UNITA soldiers, other officials, their wives and children<sup>10</sup>. One witness reported that when two young men came out of the hotel with their hands raised they were thrown on the ground while several men stood over them and "poured machine-gun fire into the bodies which were literally dancing from the shocks". UNITA offices in the suburbs and the homes of some senior UNITA officials were also attacked and looted. Police and armed civilians are reported to have stopped people in the streets of Lubango and shot those they suspected of being UNITA supporters, killing over 200 between 1 and 4 January 1993. Government appeals for calm were not accompanied by any other government action to curb the killing or to bring to justice those responsible.

After UNITA captured Soyo in January 1993 it reported that government forces had previously carried out extrajudicial executions of suspected UNITA supporters there. After the government recaptured Soyo on 12 March 1993 an army officer, asked by a journalist if many UNITA troops were taken prisoner shrugged his shoulders and said, "there are very few prisoners in this war".

#### **4. Reports of abuses by UNITA**

It is impossible to assess the scale of the deliberate and arbitrary killings by UNITA as independent witnesses have virtually no access to UNITA-controlled areas. Most of the reports of killings by UNITA come from people who have fled UNITA-controlled areas and it is impossible to obtain independent verification of individual cases. However, the consistency of the reports that do emerge suggest a pattern of widespread killing of prisoners. Wherever UNITA advanced in the country it was reported to have carried out selective and systematic killings of police, government officials, MPLA party workers and traditional local leaders, known as *sobas* and *seculos*. For example, reporters entering Soyo after the government had expelled UNITA heard reports that UNITA had hunted down and executed at least 30 people who were, or were suspected of being, members of the government police. In some areas where support for the MPLA was particularly strong the repression appeared to be more generalized: following

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<sup>9</sup> UNITA had abducted government policemen from a UNAVEM II camp in Ndalatando, east of Luanda, in late December 1992.

<sup>10</sup> It appears that UNITA did not have a large military presence in Lubango: in December 1992 the provincial police commander said that armed UNITA members from UNITA's neighbourhood committees in Lubango had been evacuated to the assembly areas designated under the Peace Accords.

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UNITA's capture of Caxito to the north of Luanda in October 1992, refugees spoke of UNITA members going from house to house killing people and setting fire to their houses.

In Benguela province in late November 1992 a government official told a local journalist that an average of four people a day were being summarily executed by UNITA in areas under UNITA control. About a dozen traditional local leaders, including Júlio Kadimbe, *soba* of Fasil village, were reportedly killed in November and December 1992. MPLA party workers were also targeted. Dozens of government officials, particularly police, were also arrested or killed. After UNITA captured Cubal in late March 1993 one witness reported that 20 women were shot in the back and killed as they tried to flee across the flooded Cubal River - some were carrying babies on their backs.

There were similar reports from Bié and Huila provinces both before and after the September 1992 elections. In mid-October, after UNITA occupied Andulo District the police commander, Lieutenant-Colonel Carlos Alberto Lacrau, was reportedly executed and his body was decapitated and dismembered. In Huila province UNITA officials admitted that "excesses" had been committed when UNITA occupied the Hoq Commune in December; they removed a UNITA colonel from the province on a disciplinary charge. However, there were further reports of deliberate executions and beatings in UNITA-controlled areas of the province in December 1992 and again in April and May 1993.

In addition to killing those connected with the government in some way, there were several reports indicating that UNITA particularly targeted people of European or mixed European and African origin. Shortly before the elections, in October 1992 in Huambo, the capital of Bié province, a well-known scientist, Fernando Marcelino, his wife and sister were shot dead in their car which had drawn up at the house of a neighbour, Dr. David Bernardino, an MPLA election candidate. Dr. David Bernardino was deliberately killed by an unknown assailant in early December 1992. Both had previously received death threats from UNITA members. The bodies of 30 mixed-race and white people who had been killed with machetes were found in an area near Benguela city which UNITA evacuated in January 1993. Also in January 1993 a woman of mixed-race was reportedly beaten to death by UNITA supporters in Catumbela, Benguela province. Other reports from UNITA-controlled areas in Benguela and Bie provinces in early 1993 spoke of entire mixed-race families being killed.

Children were among those deliberately killed. UNITA soldiers reportedly entered the home of a man they suspected of being a member of the paramilitary police in a Huambo suburb in February 1993. The man was not at home, but the UNITA soldiers killed his children. UNITA soldiers are also said to have de-railed a train on the railway line linking the southern port of Namibe with Cuito Cuanavale in the southwest in June 1993 and then bayoneted to death people who had survived the crash. The victims are said to have included women and children. In early July 1993 UNITA is reported to have murdered seven people during an attack on Cabuta in

Kwanza Sul province. A survivor reportedly said that they included four men who were beheaded, two women who had been raped and had their breasts cut off and a child whose head was smashed against a tree.

## 5. Reactions to the killings

After the killings in Luanda in early November 1992 the government called on people not to take justice into their own hands but otherwise did nothing to stop the killings. Indeed, the repeated and consistent reports of the involvement of high-ranking police, soldiers and other government officials suggest that these officials were acting in the full knowledge of the highest political authorities.

It was not until after the killings of Bakongo people on 22 January 1993 that the government and the National Assembly, Angola's parliament, denounced the attacks and called for those responsible for the killings of Bakongo people to be brought to justice. The Luanda police subsequently announced that they had arrested 35 people suspected of robbing and molesting suspected "Zaireans" but no trials are yet reported to have taken place. Some of those arrested were held in the police station near the Cidadela. One was known as "*Mais Rápido*" (Fastest) because he boasted of killing 150 UNITA members or supporters. He was reportedly released after being held for a week.

In fairness to those police and soldiers who were opposed to the deliberate flouting of human rights standards it must be said that there were several reports of brave acts by individual police and soldiers to protect people from being killed by their colleagues or by civilian mobs - in some cases by giving them sanctuary in their own homes.

The National Assembly which first met in December 1992 set up a *Comissão dos Direitos Humanos, Petições, Reclamações e Sugestões dos Cidadãos*, Commission on Human Rights and on Citizens' Complaints and Suggestions. The commission has spoken out against human rights violations, although they are not reported to have examined any complaints of extrajudicial executions or "disappearances" of UNITA members. They have carried out prison visits and reported that conditions were extremely poor and detainees were being held in excess of the legal limits for detention without charge or trial.

The Roman Catholic Church repeatedly condemned the killings and it has provided assistance to detained UNITA members. In a pastoral letter of 7 March 1993, the Bishops protested against:

*"killing one's neighbour on the mere suspicion of belonging to another party  
... in the interests of war, Angolans are no longer considered as persons with  
the sacred right to life".*

The UN Security Council in its resolution 804 of 29 January 1993 strongly condemned violations of international humanitarian law and particularly killings carried out by armed civilians. In May 1993 the UN Secretary-General said that he was concerned about:

*"the increasing reports and mutual accusations by both parties of massive human rights violations and other atrocities committed against unarmed civilians in the course of the conflict. This not only aggravates an already high level of mutual mistrust and bitterness, but also compounds the humanitarian crisis, as those who fear real or perceived persecution increasingly take to the road in search of safety. It is imperative that both parties respect their responsibilities under international humanitarian law applicable to civilians and other persons taking no active part in armed hostilities, including the obligation to respect the right to life and the prohibition of torture and other cruel, inhuman and degrading treatment (emphasis added). I should also, in this connection, stress my belief that respect for human rights constitutes a vital, indeed a critical component, among measures to resolve, on a long-term basis, conflicts of this nature, including efforts to promote enduring conditions of peace, national reconciliation and democracy <sup>11</sup>."*

On 24 June 1993 the UN World Conference on Human Rights in Vienna adopted a resolution on Angola expressing alarm at the:

*"deliberate targeting of the civilian population and economic and social structures, in total disregard of international humanitarian law and internationally recognized human rights standards and norms".*

It went on to urge the international community to take steps to restore peace and security in Angola; to put pressure on UNITA to accept the election results; and to refrain from providing any form of support to UNITA inconsistent with the peace process.

## **6. Amnesty International's appeals to the government, and UNITA and its suggestions for measures to protect human rights in any renewed peace agreement**

### **a) Recommendations to the government**

Violations of the right to life, which include deliberate and arbitrary killings of civilians and extrajudicial executions, are forbidden under Angola's own laws and by the international treaties

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<sup>11</sup> Security Council, S/25840, 25 May 1993.

to which it is a party, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. The United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions<sup>12</sup>, which applies to all UN member states, is particularly relevant in this context. Principle 1 states:

*"Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. **Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions** (emphasis added). Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.*

The UN Principles go on to insist that all reports of such killings should be investigated and those responsible brought to justice.

Both before and after the 1991 Peace Accords, Angola has failed to come to terms with such killings and the authorities are guilty of a lack of action to prevent them. The result has been a steady spiral in violence, hatred and thirst for revenge, all of which make peace ever more difficult to reestablish. Amnesty International is calling upon the Angolan National Assembly, and particularly its human rights commission, to propose and introduce an effective system of independent and impartial investigation of extrajudicial executions, "disappearances" and other grave human rights violations. This must satisfy the requirements for such investigations laid down by international standards including Principles 9 to 17 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions<sup>13</sup>. Amnesty International has also reminded the government that under international law it is required to bring to justice anyone suspected of complicity in the killings or any other human rights violations.

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<sup>12</sup> Adopted by the UN Economic and Social Council by Resolution 1989/65 of 24 May 1989 and endorsed by the UN General Assembly by Resolution 44/162 of 15 December 1989.

<sup>13</sup> A summary of these criteria may be obtained by writing to Amnesty International's International Secretariat, 1 Easton Street, London WC1X 8DJ.

**b) Recommendations to UNITA**

UNITA, as it is not a government, is not a party to international human rights instruments. It should, however, act in accordance with common Article 3 of the Geneva Conventions of 1949. Under the terms of this article, the prohibition of deliberate and arbitrary killings in armed conflicts applies not only to government forces but to all parties to such conflicts including armed opposition groups. This prohibition is binding on all states parties to the Geneva Conventions, to which Angola acceded in 1984. According to Article 3 which is common to all four Conventions, all parties to an internal conflict are bound to apply its provisions. These include a prohibition of "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against anyone taking no active part, or no longer taking part, in hostilities. Several such parties in recent conflicts have formally declared that they will apply the provisions of common Article 3 of the Geneva Conventions. Amnesty International calls on UNITA to make a formal declaration that it too will do so and take steps to ensure that all UNITA personnel are aware of and abide by the provisions of common Article 3.

**c) Recommendations for increased human rights protection under any new peace agreement**

Amnesty International welcomes UN Secretary-General Boutros Boutros-Ghali's affirmation that:

*"respect for human rights constitutes a vital, indeed a critical component, among measures to resolve, on a long-term basis, conflicts of this nature, including efforts to promote enduring conditions of peace, national reconciliation and democracy"<sup>14</sup>.*

In May 1993, when talks between the government and UNITA were taking place in Abidjan, Amnesty International wrote to the UN Secretary-General to propose ways in which human rights protection could be included in the Abidjan protocol which was then being elaborated. The following is a summary of the points.

Any new or renewed peace agreement should state clearly that violations of fundamental human rights cannot be tolerated. It should state that these rights include those contained in the existing Angolan Constitution as well as those guaranteed by the international instruments to which Angola is a party, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. It should also state that in the event of any discrepancies the provisions affording the greater protection of human rights should prevail.

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<sup>14</sup> Security Council, S/25840, 25 May 1993.

Amnesty International has recommended that mechanisms to protect human rights should include the appointment of a UN Human Rights Commissioner for Angola and an ombudsmen's office. (An ombudsman is an official with the independence similar to that of a judge whose duty it is to receive and act upon complaints of human rights violations and abuse of power by public officials.)

The Human Rights Commissioner, assisted by international human rights monitors, would be part of the UN team monitoring any new peace agreement and would be vested with full powers to enable the Commissioner to monitor and report on the observance of human rights and to ensure that all allegations of human rights violations are brought to the attention of the ombudsmen. The Commissioner would be required to submit regular and detailed reports on the human rights situation to the UN Secretary-General.

The ombudsmen, who could be Angolans, would be appointed by the Human Rights Commissioner. In view of the profound distrust between the two sides, it would be necessary to have at least two ombudsmen, one proposed by the government and the other by UNITA and possibly a third proposed by the other political parties. The ombudsmen would have to be people of recognized impartiality, independence and competence. They would have the duty and the necessary powers to investigate, either on the basis of complaints or on their own initiative, all violations of human rights and fundamental freedoms as defined in international standards. They would also have the duty and power to take appropriate action to call for the remedying, correction or reversal of violations. These would include interceding with the competent Angolan authorities and, when appropriate, providing information to international agencies such as the International Committee of the Red Cross. The ombudsmen would also be empowered to refer matters to the Procuracy and follow cases through the criminal justice system to see that they are fair. They should be required to publish regular reports on their inquiries, their recommendations and the responses of the authorities or parties. They should also be mandated to carry out a human rights education program to inform citizens of their rights and how to seek redress for violations of these rights.

In the absence of any new peace agreement, Amnesty International also recommends that, as a sign of a new commitment to respecting human rights, both the government and UNITA should strengthen existing mechanisms or establish new ones to investigate human rights abuses attributed to their forces in accordance with international criteria for such investigations, and to begin the human rights education programs which are clearly necessary for the long-term benefit of all Angolans.