

ANGOLAN POLICING OVERVIEW

IN:

OVERVIEW OF PLURAL POLICING OVERSIGHT IN SELECT SOUTHERN AFRICAN DEVELOPMENT (SADC) COUNTRIES

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ANGOLA

Country Background

Until 2002, Angola had been engaged in a civil war between the Popular Movement for the Liberation of Angola (MPLA) – the ruling party since independence – and the National Union for the Total Independence of Angola (UNITA) which lasted for 27 years.¹ By 1990 peace talks commenced between UNITA and the government of Angola culminating in the *Acordos de Paz para Angola* also known as the Bicesse Accords, signed in May 1991.² The Bicesse Accords provided for, amongst other things, national elections, and in 1992 legislative and presidential elections took place. However, after UNITA's withdrawal from the process the civil war continued. In 1994 some manner of peace was established through the Lusaka Protocol which re-affirmed the Bicesse Accord, re-established a cease-fire and provided for a disarmament process and the completion of the electoral process which had been interrupted in 1992.³ The Government of Unity and National Reconciliation (GURN) was created in mid-1997 after UNITA and other smaller opposition parties joined the MPLA.⁴ Despite these developments, UNITA largely failed to comply with the Accord and fighting resumed by the end of 1998.⁵ By 2002 the war had ended and the MPLA, under José Eduardo Dos Santos is currently in power. Although no elections have taken place since 1992, a national election is scheduled for 2006.⁶

Angolan National Police

The Angola National Police falls under the Ministry of the Interior and, according to the Lusaka Protocol, is “responsible for the maintenance of public order and the defense of the interests, integrity and security of all persons in Angola, irrespective of their nationality, place of birth, race, religion, social origin or political party affiliation”.⁷ The Angola National Police has an elite force component called the *Polícia de Intervenção Rápida* (Rapid Intervention Police) or PIR. PIR is a paramilitary-type force which was created in 1992 and is known by the people as the

¹ CIA World Factbook: Angola. <http://www.cia.gov/cia/publications/factbook/geos/ao.html>

² Ball, N. and K.F. Campbell (1998) *Complex Crisis and Complex Peace: Humanitarian Coordination in Angola*. Prepared for the United Nations Office for the Coordination of Humanitarian Affairs.

http://www.reliefweb.int/ocha_ol/pub/angola/index.html

³ Ibid.

⁴ Bureau of Democracy, Human Rights and Labour (2005) *Country Reports on Human Rights Practices 2004: Angola*. U.S. Department of State. <http://www.state.gov/g/drl/rls/hrrpt/2004/41587.htm>

⁵ ISS Fact Files: Angola. <http://www.issafrica.org/AF/profiles/angola/History.html>

⁶ Op Cit (n1).

⁷ Lusaka Protocol, Lusaka, Zambia, November 15, 1994.

http://www.usip.org/library/pa/angola/lusaka_11151994_annex.html

'ninjas'. It is responsible for maintaining internal security through, for instance, securing situations characterised by mass demonstrations.⁸

Oversight Mechanisms

The Constitutional Law of the Republic of Angola was promulgated in 1975 but has been updated a number of times since then with the latest amendment in 1992. The Constitution underwent a revision process in 2004 and a draft was presented to the Constitutional Commission of the National Assembly. It is not clear whether this has been taken further and it seems that the 1992 Constitution still holds.⁹ This 1992 version of the Constitution, amongst other things, affirms Angola's commitment to the United Nations (UN) and Organization of African Unity (OAU) Charters¹⁰ as well as recognising equality before the law of all its citizens¹¹, respect for human dignity¹² and that no person shall be subject to torture or any other cruel, inhuman or degrading treatment or punishment.¹³ The Constitution also makes provision for the Attorney General's Office to enjoy independence and to be governed by "its own statutes".¹⁴ Chapter VI of the Constitution outlines the powers and duties of the Judicial Proctorate. The main purpose of the Judicial Proctorate, as outlined in Article 142 of the Constitution, is to "defend the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of the public administration".¹⁵ Therefore "citizens may present the Judicial Proctorate with complaints concerning acts or omissions" by the public administration, to which the Proctorate may make recommendations to remedy the "injustices".¹⁶

Angola's Justice Ombudsman was appointed in mid-2005 by the National Assembly.¹⁷ However, there has been controversy over the selection process as human rights organisations have accused the government of not being transparent and not consulting with civil society. The candidate for the position was nominated without any input from civil society despite the fact that the government had assured that civil society would work closely with the National Assembly in the selection process.¹⁸ Legislation outlining the mandate and role of the Ombudsman also still has to be established and there are concerns that this lack of definitive direction may hamper effectiveness.¹⁹

Despite constitutional provisions there have been reports of police committing human rights abuses with impunity – such as torturing suspects for confessions. The police

⁸ Country Information and Policy Unit (1999) *Country Assessment on Angola*. Immigration & Nationality Directorate, Home Office. http://www.asylumlaw.org/docs/angola/ind99b_angola_ca.htm#securitysit

⁹ Division for Public Administration and Development Management, Department of Economic and Social Affairs, UN. (2004) *Republic of Angola: Public Administration Country Profile*. UNPAN. <http://www.unpan.org/dpepa/country%20profiles/Angola.pdf>

¹⁰ Constitutional Law of the Republic of Angola, 1992, article 15.

¹¹ Ibid, article 18.

¹² Ibid, article 20.

¹³ Ibid, article 23.

¹⁴ Ibid, article 137.

¹⁵ Ibid, article 142, section 1.

¹⁶ Ibid, article 142, section 2.

¹⁷ International Ombudsman Institute (2005) *IOI Newsletter* Vol. 27(2).

<http://www.law.ualberta.ca/centres/oi/eng/newsletters/June05.pdf>

¹⁸ Amnesty International (2005) *Angola: The Establishment of the Justice Ombudsman Should Comply with International Standards*. Public Statement, AI Index: AFR 12/002/2005

<http://web.amnesty.org/library/Index/ENGAFR120022005?open&of=ENG-2F3>

¹⁹ IRIN (2005) ANGOLA: Appointment of New Justice Ombudsman Sparks Concern. *IRIN News* 26/01/2005. <http://www.irinnews.org/report.asp?ReportID=45244>

have been used (along with other security forces) to carry out government objectives – such as the removal of 120,000 migrant miners – and have done so without due respect for the constitutional provision advocating respect for human rights. There are also reports of policing supplementing their incomes through extorting members of the public.²⁰ There exists legislation ensuring that arrests are made with a warrant and that arrest and detention is not arbitrary, however, there have been reports that the police have not adhered to these stipulations. Furthermore, certain pieces of legislation have the negative effect of promoting human rights violations. For instance the Pre-trial Detention Law of 1992 allows incommunicado detention until such time as the detainee is interrogated by the prosecuting magistrate. Incommunicado detention may last up to ten days in situations where the detainee has been accused of committing a crime against the state.²¹ Police have also used excessive force to counter violent and non-violent demonstrations resulting in injuries and deaths. Frequently enquiries and investigations are not carried through.²² However, the police have an internal complaints office situated at police headquarters which apparently receives about ten complaints a day from members of the public reporting on police misconduct. There are signs that this mechanism may be effective as, reportedly, police suspected of misconduct have been disciplined and some have been removed from office.²³ The Modernization and Development Plan 2003/2007 of the police has incorporated training programmes to improve police-community relations and recent UN visits to Angola have shown that, overall, human rights are increasingly being respected. Respect for human rights is encouraged through the fact that police authorities and the Minister of the Interior have on occasion acknowledged human rights abuses by the police and have condemned these actions.²⁴ Non-governmental organisations (NGOs) have also played a role in holding the police accountable through for instance providing human rights training and, similarly, law enforcement personnel from other countries in the region have provided professional training.²⁵

Angola does not have an independent human rights commission per se, however, the National Assembly does have a human rights commission which receives complaints from the public and the Ministry of Justice has a Human Rights Unit with human rights commissions in each of Angola's provinces.²⁶ Angola also has a Procurator General (prosecutor) who “can play a direct and accessible role in precipitating a complaints process against a police officer.”²⁷

It seems that the Lusaka Protocol and Bicesse Accords may also contribute to the democratic accountability of the police if these instruments are still respected and upheld in the country. For instance, the Protocol stipulates that the police must

²⁰ Op Cit (n4).

²¹ Amnesty International SADC Leaflet X11

[http://web.amnesty.org/library/pdf/AFR030052002ENGLISH/\\$File/AFR0300502.pdf](http://web.amnesty.org/library/pdf/AFR030052002ENGLISH/$File/AFR0300502.pdf)

²² Amnesty International (2005) *Amnesty International Report 2005*. Oxford: The Alden Press

<http://web.amnesty.org/report2005/ago-summary-eng>

²³ Op Cit (n4).

²⁴ Op Cit (n22).

²⁵ Op Cit (n4).

²⁶ United Nations (2004) Committee on the Rights of the Child, Thirty-seventh Session, Summary Record of the 991st Meeting: Angola. Held at Geneva, 27 September 2004.

<http://www.unhchr.ch/tbs/doc.nsf/0/fae9c8f22a503b99c1256f260038f576?Opendocument>

²⁷ Amnesty International, (2002) *Policing to Protect Human Rights: A Survey of Police Practice in Countries of the Southern African Development Community, 1997-2002*. London: Amnesty International Publications, p. 56.

“[discharge] its tasks in accordance with [the provisions of the Bicesse Accords and the Lusaka Protocol] and within the letter and spirit of democratic principles and internationally recognized human rights, such as the Universal Declaration of Human Rights.”²⁸ Furthermore the Protocol clearly stipulates that the police are to be held responsible for any violations of the political rights of citizens and that the police should be non-partisan.²⁹

Non-State Police in Angola: Private Security

Angola has a history of private military involvement in its civil war, particularly between 1993 and 1996.³⁰ Also, according to reports, Angola’s private security industry has flourished particularly since the early 1990s.³¹ Current estimates place the number of private security companies operating in Angola at around 80, whereas initially there were about five in 1993. Angola’s diamond and oil industries have, in particular, contributed to the growth of the industry, considering that the government has required that foreign investors provide their own security.³²

Oversight of Private Security

The role of private security / military companies, as well as mercenaries, in Angolan security affairs has been a contentious issue, particularly the possible negative affects that private military corporations have had on the process of peace negotiations during Angola’s period of civil war. The diamond industry has been a motivator for many security companies to become involved in Angola and according to Schreier and Caparini (2005:76): “There are cases where some commercial military and security activity has been paid for through the granting of mineral or oil concessions or other non-monetary methods.” The diamond industry has reportedly been the cause of many human rights violations by Angolan police and private security alike as attempts have been made by the government to re-claim and control the industry.³³ Apart from attempts (as mentioned) to hold the police accountable, there have also been discussions on how to better control mercenary activity while clearly differentiating illegal mercenary activity from the legal activities of private military and security companies – with the latter companies at times, employing mercenary tactics.³⁴ Consequently the Angolan government has recognised that “new forms of mercenarism are a major threat to wide range of human rights [sic], such as the right to life, physical integrity or freedom of individuals. They also threaten peace, political stability, the legal order and the rational exploitation of natural resources in the regions where they operate.”³⁵ It is not clear to what extent legislation exists in Angola which regulates private military and security companies but the government

²⁸ Op Cit (n7).

²⁹ Ibid.

³⁰ Cleary, S. (1999) Angola – A Case Study of Private Military Involvement. In Cilliers, J. and P. Mason (eds) *Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies*. Pretoria: Institute for Security Studies, pp. 141-174.

³¹ Howe, H. (1998) ‘Global Order and Security Privatization’ *Strategic Forum*, 140, May.

<http://www.ndu.edu/inss/strforum/SF140/forum140.html>

³² Schreier, F. and M. Caparini (2005) *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*. DCAF Occasional Paper, 6.

³³ IRIN (2005) ANGOLA: New Report Alleges Blood Still Stains Diamonds. *IRIN News* 10 March.

<http://www.irinnews.org/report.asp?ReportID=46053>

³⁴ Commission on Human Rights (2005) ‘Official Position Paper Republic of Angola’ Geneva International Model United Nations (GIMUN) UN Commission on Human Rights Workshop, 26 February – 4 March, 2005.

http://www.gimun.org/2005/documents/CHR_Angola.doc

³⁵ Op Cit (n34) 1.

seems committed to the “application of [a] combination of international, regional and national legislation that specifically targets mercenarism”.³⁶

³⁶ Op Cit (n34) 2.