

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2008/12/10/angola-end-torture-and-unfair-trials-cabinda>

Campaign and Advocacy

Help us continue to fight human rights abuses. Please give now to support our work

Fourteen Civilians Tortured in Military Custody Charged with State Security Crimes

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

(New York) - The Angolan government should urgently end torture and unfair trials in state security cases, Human Rights Watch said today. Fourteen civilians who were arbitrarily detained and tortured in military custody are currently being held on security charges in the Angolan enclave of Cabinda.

Since September 2007, the Angolan Armed Forces have arbitrarily detained at least 15 civilians and six military personnel in Cabinda, the oil-rich province that has long had a separatist insurgency. All were eventually charged with "crimes against the security of the state," accused of assisting the armed separatist Front for the Liberation of the Enclave in Cabinda (FLEC). So far, there has been one trial. On September 16, 2008, a military court in Cabinda convicted a former Voice of America journalist, Fernando Lelo, and four soldiers of state security crimes and sentenced them to 12 years in prison. Human Rights Watch found the trial fell far short of international fair trial standards.

"The unfair trial of Fernando Lelo and four soldiers has set a disturbing precedent," said Georgette Gagnon, Africa director at Human Rights Watch. "Angola should exonerate and free them, and make sure that future national security trials meet international standards."

Most of those detained in Cabinda were held in an unofficial military detention center, where, Human Rights Watch research found, they were tortured and held in inhumane conditions for months before being transferred to a civilian prison. Most spent far more than the 90 days allowed by Angolan law before being charged with any offense.

Unfair trial

As a journalist, Lelo had regularly criticized the government for arbitrary arrests and other human rights abuses, and had been briefly detained after covering a police crackdown on church members in 2006. He was arrested in November 2007 and accused of having paid the six soldiers in July 2007 to carry out acts of sabotage.

Defense lawyers and other observers in Cabinda told Human Rights Watch that the trial, which ended in June, produced no evidence to support the accusations. They said the military judge refused to take into account testimony demonstrating that Lelo was at work when a meeting with the soldiers allegedly took place, and that no evidence was produced that the military personnel even knew him. The court systematically disregarded defense evidence, and the state press reported only the prosecution's position. Prior to the trial, on January 7, Attorney General Joo Maria de Sousa stated there were "strong indications" Lelo was guilty, which raises further concerns about fairness.

Under Angolan law, civilians should be tried by a civilian court. The UN Human Rights Committee - the body authorized to interpret and monitor compliance with the International Covenant on Civil and Political Rights (ICCPR) - has stated that the trial of civilians by military courts should be very exceptional and occur only under conditions that genuinely afford full due process.

Human rights activists in Cabinda told Human Rights Watch they believed the government delayed announcing Lelo's sentence until after the September parliamentary elections, to avoid popular unrest and damage to the ruling MPLA party's political chances in Cabinda.

In the September trial, one soldier was acquitted, while another had been unconditionally released beforehand. Lelo and the other convicted men have appealed their sentences. The 14 other civilians remain in custody without trial.

Torture in military custody

The defense lawyer for the six soldiers accused with Lelo told Human Rights Watch the soldiers were arrested without a warrant by

military intelligence. He said soldiers and military intelligence personnel tortured them to extort confessions to incriminate Lelo. He described the abuses to Human Rights Watch as follows:

"They were beaten with wood and bamboo sticks, car belts, table legs, and electric cables, and tied up with cords. The mother and wife of one detainee were forced to walk naked in the streets of the city. One detainee was subject to a mock execution, and another was shot at, and this resulted in one leg being amputated in the military hospital."

According to the lawyer, they were then held for three months in a secret military prison within the headquarters of the second regional command of the Angolan Armed Forces in Cabinda. During this period, they were continuously handcuffed to one another, often denied food and again beaten by military intelligence personnel and soldiers, on orders of their superiors. The defense lawyer said that the military detainees told him that a senior armed forces official was always present, gave orders to beat them, and at times participated in the beatings.

Former prisoners and local lawyers in Cabinda commonly refer to the military prison where the detainees were held as "the hole." They told Human Rights Watch it was a dirty cellar without sanitation facilities that fills with water when it rains. Both the UN Working Group on Arbitrary Detention (in September 2007) and the International Committee of the Red Cross have been denied access despite official requests. In March, the Angolan Armed Forces spokesperson in Cabinda told Human Rights Watch such a prison "did not exist."

Human Rights Watch research found that the 14 villagers and community leaders currently held in pre-trial detention for state security offenses faced torture and ill-treatment similar to that described by the lawyer for the soldiers convicted with Lelo. The civilians were arrested between December 2007 and April 2008 in Cabinda's northern municipalities of Buco Zau and Belize during military raids after attacks by the FLEC guerilla in those areas. Lawyers and human rights activists told Human Rights Watch that military intelligence officers, together with soldiers and at times also members of the military police, in the presence of the same senior armed forces official, brutally beat them at the time of their arrest, also carried out without a warrant. As one lawyer described it:

"They beat the detainees with gun butts, batons, sticks, and electric cables, stripped them naked and tied them up with cords. Some had their genitals tied with cord and some were cut on their backs with machetes and threatened with death. The detainees were then held handcuffed and incommunicado in the hole.' There, beatings continued and the detainees were often denied food. Only after three months of military custody were they transferred to a civilian prison."

Only after they were transferred to a civilian prison did the provincial attorney general formally charge them with crimes against state security and related crimes, including armed rebellion, homicide, sabotage, and illegal possession of arms. The accusations are linked to two armed attacks attributed to FLEC rebels in December 2007, which resulted in the death of a police official and a Brazilian expatriate worker, and to an assault on a construction company that killed two workers in March 2008.

"The Angolan government should immediately stop all torture of detainees and permit international scrutiny of military detention facilities in Cabinda," said Gagnon. "Those responsible for the mistreatment of detainees should be held accountable."

Human Rights Watch urged Angola to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. Angola had promised the UN General Assembly before being elected member of the Human Rights Council in May 2007 that it would do so.

Background

Since 1975, the separatist guerrilla movement Front for the Liberation of the Enclave in Cabinda (FLEC) has been fighting for independence for Cabinda, which today produces half of Angola's oil. The Angolan government claims the civil war ended in 2006, when the government signed a peace agreement with a faction of the rebel group and that continuing sporadic attacks are the work of "bandits" who threaten state security.

The government has long used national security concerns as an excuse to crack down on peaceful political dissent and curb independent scrutiny in Cabinda. In 2006, the government banned a local civic association, Mpalabanda, which had documented war-related human rights violations and other abuses since 2003. The government claimed Mpalabanda was carrying out unlawful political activities and inciting violence. An appeal against the ban is still pending at the Supreme Court.

Before the parliamentary elections in September 2008, Human Rights Watch documented a climate of intimidation and restrictions on freedom of expression and assembly that targeted critics of the government in Cabinda.

Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda

Threats to Independent Media and Civil Society in Tanzania

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

Get updates on human rights issues from around the globe. Join our movement today.

