

The Angolan Criminal Justice System

A Human Rights Report

By

**The Justice, Peace and Democracy Association
(Associação Justiça, Paz e Democracia, AJPD)**

August 2000-October 2004

«... The improvements that magistrates want, and which legitimately concern society at large, require a combination of more incisive, transparent and constructive political measures in order live up to national expectations from the Judiciary... »

Angolan Supreme Court, 2002

Luanda – November – 2005

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August 2000 to October 2004
A Human Rights Report by
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Good initiatives usually result from multiple resources from different perspectives. This report is the result of a four-year effort and specific contributions of activists and researchers from the Justice, Peace and Democracy Association (Associação Justiça, Paz e Democracia – AJPD).

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Fernando Macedo
President of AJPD

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I. Context

1. Since Angola gained its independence from Portugal in 1975, the country entered a civil war between the Movement for the Popular Liberation of Angola (Movimento Popular de Libertação de Angola, MPLA) and the National Union for the Total Independence of Angola (União Nacional pela Independência Total de Angola, UNITA), which lasted until 2002. Over the course of almost two decades, between 1975 and 1991, a single-party Marxist-Leninist socialist system prevailed.

During this period, reportedly, there were serious violations to fundamental human rights and the rule of law. As a result, Angolan citizens had little protection against arbitrary abuses committed by the government.

The “unified popular justice system” (sistema unificado de justiça popular) was no exception to this situation. In fact, because of its alarming deficiencies and lack of independence from the government, it became one of the instruments by which rights violations occurred.

For 12 years, from 1992 to 2004, despite the official transition from a socialist system to democracy and the rule of law, ushered in by the adoption of a new constitution, there was no substantial change in the pattern of rights violations, and the government showed no significant commitment to a judicial reform.

The Angolan court system continues to suffer from serious legislative, personnel and infrastructure deficiencies. These deficiencies contribute to the continued dependence upon the government, as well as the inability to act effectively and in respect to the Constitution. This is true for civil, administrative and criminal matters, not only in the courts of the 1st Circuit, but also in the superior courts including Angola’s Supreme Court.

Currently, most Angolan legislation related to the legal system is outdated and unconstitutional. Most notably, in this respect are Laws No. 18/88, of the Unified System of Justice, from December 31, 1988, the Penal Code, from 1886; the Penal Procedure Code, from 1929; the Law of the Public Prosecutor’s office; and the Law of Preventive Custody among many others.

Physical structures in the court system with poor material conditions and lack of training for staff are also a cause of great concern. With the exception of Luanda, where recently three municipal courts began operating, in general, Angolan provinces rely only in the work of provincial tribunals that lack human resources and technical capacity to respond to legal claims.

Most Angolan courts lack the basic conditions to operate. Courtrooms and offices are

run-down. Case files are scattered in a disorderly manner. Judges and stenographers can count only on old typewriters to document the proceedings. Court's transportation and communication services are also very limited.

The lack of trained judges is alarming. Some provinces have only one judge, and others have none who are trained in law. In 2003, the province of Malanje, for example, for a period of one month had no judge after the only sitting judge died. (*Voice of America*, July 1, 2003).¹

It is also worrisome that the Public Prosecutor's Office operates under the direction of the Presidency, which undermines its independence and autonomy.

Reportedly, the Public Prosecutor's Office has allowed impunity to prevail, including in cases of criminal offenses and violation of fundamental rights and freedoms committed by government officials.

Disrespect for the law is so widespread in the Angolan culture that it pervades everyone from the average citizen to the highest-ranking officials. It permeates legal structures as well including prosecutors, policemen, prison guards, judges and other officials.

It is clear that Angolan society, like others, needs a functioning apparatus to maintain law and order. However, human rights, dignity and liberties that apply to all citizens should not be undermined in this process.

In reality, the opposite seems to be the case, as convicts are subjected to a disproportional "double punishment" and preventive custody duration is extremely long for those supposed innocent and not compatible with the fundamental guarantee of freedom during the accusatory process.

Prison conditions are inhumane. Detention facilities are not fit to humans. Prison guards are often violent. Prisoners have not adequate access to food, medical assistance and treatment.

Many defendants are imprisoned without the right to a lawyer and are continually interrogated by the National Bureau of Criminal Investigation (Direcção Nacional de Investigação Criminal, DNIC), which often resorts to coercion and even violence as means to obtain confession of a crime.

¹ "The presence of only one judge in the Uige province makes the courts slow," said Jose Alfredo, the Chief Justice of the local court. He said that the situation is aggravated by the lack of clerks. *Jornal de Angola*, May 8, 2003, p. 17. The absence of a court in the capital of Zaire, Mbanza Congo, is cause for concern among officials in the province. It has contributed to the increase of preventive custody. *Jornal de Angola*, January 16, 2002.

Within this context, the Justice, Peace and Democracy Association (Associação Justiça, Paz e Democracia, AJPD) became the first Angolan non-governmental organization to provide directed, systematic efforts towards defending and promoting human rights in Luanda's prisons and promoting a judicial reform.

2. The Justice, Peace and Democracy Association (Associação Justiça, Paz e Democracia, AJPD) is a national, non-partisan civic organization that works to defend and promote human rights.

Our objectives are to support peace, and contribute to the consolidation of democracy and the rule of law in Angola.

Since its foundation, four years ago, AJPD has focused its work in the Criminal Justice Reform Project (Reforma Penal), which includes research and documenting abuses in prisons throughout Angola, but also monitoring activities within the National Bureau of Criminal Investigation (DNIC), the Public Prosecutor's Office and national courts.

The Criminal Justice Reform Project started as a social advocacy program for prisons. However, our work led us to become more involved in other aspects of the criminal justice system, which called to our adjusting of the project's goals and renaming it.

AJPD also devotes significant attention to other projects such as the Constitutional Reform Project, developed in partnership with the National Counseling Center (NCC); and the Advocacy for HIV/AIDS Positive Individuals Project.

The Constitutional Reform Project seeks to strengthen citizen participation in the making of a new Angolan Constitution.

The Advocacy for HIV/AIDS Positive Individuals Project seeks to protect the right to confidentiality and employment of people with HIV/AIDS, as well as to pressure the Angolan government to address the AIDS problem and use legal mechanisms to support HIV positive individuals.

3. This report is the result of AJPD's work between 2000 and 2004 on the Criminal Justice Reform Project.

In October of 2000, we estimated from unofficial figures that the number of prisoners in Angola was of approximately 6,000. In Luanda, where the project is based, there were about 1,913 detainees.

4. In Angola, the Prison Services (Serviços Prisionais) administers all prisons facilities and is responsible for guarding prisoners and accounting for each prisoner to the courts.

In the Angolan legal system, the National Police (Policia Nacional), an institution subordinated to the Ministry of Internal Affairs, investigates crimes, detains people and reports on criminal activity.

The Public Prosecutor's Office must approve detentions, apply measures of coercion, extend initial preventive custody while the case is being prepared, and inform detainees of the reasons for these extensions.

However, in violation of Article 25 of the Preventive Custody Law, detainees are often incarcerated beyond the maximum duration of preventive custody without a reasonable justification.

II. The Angolan Legal System

The current Angolan legal system has its roots in the colonial Portuguese system, after all these years, it still retains the bulk of laws from that period, specifically the Penal Code and Penal Procedures.

Important parts of these codes are outdated, undemocratic, inconsistent with the rule of law, and therefore are cause of slowness and inefficiency in Angola's judicial system.

Although this situation could be justified before 1992, the year in which Angola transitioned from dictatorship to democracy, it is unacceptable that these colonial laws still persist in the present.

It is worth noting that, though the Angolan criminal system is based on the Constitution, in practice, antidemocratic laws such as the Law of the Unified System of Justice, the Federal Public Prosecutor and the law of Preventive are unconstitutional and violate the principle of the rule of law.

In July 2003, the Supreme Court advising judge, Dr. Alberto William, who is also the president of the Judicial Magistrates Association, asserted that most judicial guidelines are outdated because they refer to a period of a political system of a single-party.²

a) The National Bureau of Criminal Investigation

In Angola, like in many other parts of the world, the agency that investigates and prosecutes crimes, the National Bureau of Criminal Investigation (DNIC), is part of the Ministry of Internal Affairs (Law 20/93, of June 11, 1993).

According to this Law, the National Bureau of Criminal Investigation (DNIC) is the

² *Jornal de Angola*, June 26th, 2003, pg. 5

operative central body, which carries out the investigation of crimes, conducts searches and detains suspects.

Making preliminary indictments in the criminal process are also one of the DNIC's main tasks.

Reportedly, DNIC officers often resort to unlawful practices, in violation of their legal obligations, such as the presentation of warrant for search and arrest.³

There are public complaints, protests and denunciations that investigators often resort to threats, torture and violence to coerce detainees to provide information. AJPD activists and researchers had access to several detainees who complained of such practices.

Often the criminal investigation police in collusion with the Attorney General's office use arrests as a part of the investigation, in clear violation of rights and presumption of innocence.

In general, citizens agree that investigators “can do whatever they want”. Many citizens with problems such as debt, fraud and other common financial problems, appeal to investigators, bribe them, ask them to intervene in their behalf. Investigators take advantage of this situation to extort money, promising to favor this or that person who might have problems with the law.

DNIC has transitional holding cells (large numbers of detainees come from municipal police stations and are sent to prisons). These prison cells, like most prison facilities in municipal police stations, are in terrible condition. Until recently, passers by could see prisoners hanging from prison windows because of overcrowding and the lack of ventilation in the cells. Frequently, the stench from the toilets in prison cells rises to the top floors, including the halls and working areas of DNIC (this information was confirmed by an investigator from the 4th floor).

In July of 2003, National Police Second Division Commander, 1st Superintendent José João, ordered the immediate transfer of prisoners of the 6th Police Station to other cells in the same district of Rangel, after visiting their cells and witnessing the degrading and unsanitary conditions where they were detained.⁴

b) The Office of the Attorney General

According to Law 5/90, of April 7, 1990, “the Office of the Attorney General's

³ Law 22/92 of September 4, 1992, regarding Searches and Incarceration.

⁴ *Jornal de Angola*, June 22, 2003.

(Procuradoria Geral da República, PGR) main role is to maintain the socialist legal system, ensuring the strict implementation of the laws...” (our translation)

As already stated in the introduction of this report, the Law of the Attorney General is outdated and unconstitutional. In addition, one can say that “the socialist legal system” did not bode well for the democratic rule of law, and that the Attorney General’s Office as an agency under presidential control takes jurisdictional responsibilities that should be left to the Angolan courts.

With a Public Prosecutor’s Office responsible for the legalization of detentions and to oversee criminal trials, roles that are essentially inherent to the judicial branch, Angola’s penal system seriously violates the principle of separation of powers and access to justice.

Despite its irregularities, magistrates of the Attorney General's office should work closely with the criminal police agency in order to determine or validate arrests when conducted by National Police agents.

The presence of magistrates at the Public Prosecutor's Office is only seen at DNIC, despite the efforts that have been made to bring magistrates to the municipal police stations and jails.

The unacceptable working conditions and the close working relationships, cronyism and opportunism prevent magistrates from working independently of the police. This results in the magistrates' indifference to the violation of laws by investigators and high-ranking officers from the National Police.

c) The Courts

According to Angolan Constitution (Law 23/92), “the courts are sovereign agencies with the competency to administer justice on behalf of the people”. (our translation)

Angolan courts system is structured as follows: municipal, provincial and supreme courts, the latter is the higher court until the creation of a Constitutional Court. Law 18/88 of December 31, 1988, Law of the Unified System of Justice defines the structure, organization and functioning of the Angolan courts system.

In many ways, this law is also outdated and unconstitutional. As it was created to defend “the populist state” and the “socialist legal system”, it is rife with antidemocratic spirit, which violates the principle of the rule of law. The way it uses courts and other respective agencies is not in the public interest.

Besides the inadequate legal framework, most Angolan courts facilities are in a state of degradation, without minimum basic working conditions and with increasing lack of capacity and qualified personnel.

In 2001, the National Radio of Angola (Rádio Nacional de Angola) and Rádio Ecclésia, a Catholic owned radio station, broadcasted stories on the poor state of the courts' structures in Malanje and Moxico. For about a month, the court in Moxico had its activities suspended due to flooding and water damage to the walls.

In June 2003, several judicial magistrates and the Public Prosecutor's Office met for a board meeting, and recommended the urgent creation of municipal courts due to the increasing number of cases at the provincial courts level.⁵

The lack of judges along with the technical and judicial incapacity of many judges and officers of justice, are some of the factors that lead to the denial of justice. In May 2003, José Alfredo, Justice Chief of the provincial court of Uige, declared that the shortage of judges in the province slows down the trial processes.

During the Prime Minister visit to the Supreme Court, its Justice Chief, Cristiano André, stated that laws approved, legislated and published to support courts activities are not applied in practice.⁶

This means that the Government has done little or nothing to address these issues, especially those related to the improvement of working conditions in the court system.

d) The Prison Service

According to the Decree 11/99 of July 9, 1999, the Prison Service is an integral part and central executive branch of the Ministry of Internal Affairs.

The Prison Service, like other agencies within the Angolan criminal system, is regulated by a Colonial Law Decree 39: 997, of May 28, 1936.

According to the above-mentioned laws, as well as the Law of Preventive Custody, it is the responsibility of the Prison Service to oversee the execution of penalties and detention orders determined by courts and the Public Prosecutor's Office.

Despite the fact that the Prison Service is not hierarchically subordinated to the National Police but rather to the Ministry of the Internal Affairs, in general, its behavior resembles a militarized institution. It has harsh punishments, and emphasizes security rather than rehabilitation, career training and re-insertion of inmates into society.

⁵ *Jornal de Angola*, June 7, 2003.

⁶ *Jornal de Angola*, October 15, 2003: pg. 3.

Only recently did the Angolan Government approve regulation about the organization of prison services, intended to provide inmates with technical and professional education that would enable future re-entry in society (Law Decree 64/2004 of October 1, 2004).

The Angolan prison system is stagnant and hostage to the colonial system. As far as legislative reform is concerned, almost nothing tangible has been done since colonial times. There are no clear laws related to work in jail, parole, disciplinary punishment, the rights and responsibilities of the inmates in jail, or family visits. In addition, it is important to note that, in practice the Prison Services and the Ministry of Welfare and Social Reintegration (Ministério do Bem Estar e Reintegração Social) do not provide considerate efforts for the education of inmates and their re-entry into society.

Though many inmates could in theory enjoy the benefits of parole, this is not the case because the Prison Service, due to the lack of an official sentence that should be issued by the courts and sometimes because of a lack of a rigorous individual follow-up, often fails to organize their individual files.

Family members often wait long hours in the sun and rain in order to visit their relatives in the prison system. Sometimes visits are cancelled at the last minute without much explanation.

Prison officials sometimes extort families in exchange for a visit or delivery of food to detainees.

III. The situation of Angolan prisons

1. Physical conditions and overcrowding

Prisoners are systemically exposed to terrible living conditions in Angolan jails. Due to overcrowding, most detainees sleep on the floor of their cells, and sometimes in the washrooms. Infrastructure in most Angolan jails is very poor. Among the worst we cite the Bengo prison, located in the facilities of a former sugar plant in Bengo.

The overcrowding in some facilities has reached inhumane levels, with prisoners kept in groups of 200. AJPD activists have been able to confirm this data in conversations with inmates and through bulletin boards located in the Luanda Central jail (Cadeia Central de Luanda). The overcrowding leads to unsanitary conditions, bad odor, rats and insects, all of which jeopardize the inmates' health. Generally, prisoners are responsible for keeping their own jail cells clean.

With an official capacity to hold approximately 500 inmates, Luanda Central jail (Cadeia Central de Luanda) holds an average of 2,000 prisoners. The Luanda Central jail is in advanced state of degradation, with its plumbing and electric system seriously damaged.

The “Conduenje” penitentiary- the main detention center in the province of Lunda Norte – is an example of how deplorable are conditions in Angolan jails and how detainees are submitted to a slow “death regimen”.

According to *Jornal de Angola* and *A Capital*, in July 2001, more than ten inmates died from malnutrition, unsanitary conditions and lack of medical assistance at the “Condueje” detention center in a period of about two months.⁷

The “Conduenje” penitentiary is located in a former warehouse unsuitable for living, with unpainted walls, floors filled with holes and the provision of only one meal daily. The death of several inmates led to the resignation of the jail’s Director, but this did not result in significant improvement of the situation.⁸

In a visit to the Judicial District of Zaire (Mbanza - Congo) the Internal Affairs Vice-Minister for the Management of Prison Services and Fire Brigade, Diamantino Kangalo, classified as “degrading” the condition of the 40 detainees in that prison facility.⁹

Members of the Human Rights Commission of the National Assembly, after visiting a Military penitentiary in the Judicial District of Namibe and witnessing the inmates’ horrible conditions of accommodation and the inadequate food supply, recommended the closure of that detention center.¹⁰

Detainees live in unacceptable and disorderly conditions; citizens detained for preventive custody live alongside convicts, inmates who are sick live with healthy ones, high profile criminals live together with occasional delinquents.

The current conditions of the Prison Services do not meet legal system's needs but rather contribute to increase criminal activity.

IV. Rights systemically violated

1. Right to Freedom

Individual freedom is one of the fundamental principles of the Angolan State

⁷ In “Point of order” in relation to a visit made by the Justice Minister to the Conduenje Penitentiary, in Dundo, North Luanda, where he deplored the physical condition of the inmates, and said that prison authorities do not have the means to improve the situation. *Jornal de Angola*, June 19, 2001.

⁸ In “Point of Order”, the Federal Prosecutor’s Office makes it known that the conditions in Condueje prison in North Luanda are substandard. Inmates are held in a warehouse while awaiting the construction of the new prison. *Jornal de Angola*, August 7, 2001.

⁹ *Jornal de Angola*, May 10th, 2003.

¹⁰ *Jornal de Angola*, July 13, 2003.

(Constitution Article 2). The Right to freedom – as in any other judicial system - can only be limited with legal justification and by certain entities (Constitution Article 36).

According to the Angolan Constitution, Articles 2 (c) and 136, the Attorney General's Office is the entity responsible for the exercise of lawsuits. It also decides about the implementation or not of detention orders, such as preventive release, Article 2 (d).

Unfortunately, for many years this office has not fulfilled its duties with respect to filing lawsuits.

This shortcoming in the Public Prosecutor's Office with regards to criminal justice has serious and important implications for the rights of the accused.

A close reading of the Law of Preventive Custody (Lei da Prisão Preventiva) reveals its flaws and how it fails to meet the basic principles of criminal proceedings such as rights, freedom and guarantees of suspects, which has negative consequences for all those suspect of committing crime.

It is worrisome that magistrates of the Public Prosecutor's Office continue to use this law indiscriminately, without applying established constitutional principles such as the presumption of innocence, the right of access to the courts and the right to a defense.

In addition, prosecutors commonly violate the stated periods of preventive custody.

In sum, the Office of the Attorney General, in spite of its denials, is the entity responsible for the violation of the stated periods of preventive custody in the pre-trial periods.

In the last three years AJPD has identified several cases of violation of stated periods of preventive custody, some of which constitute extra-legal imprisonment. The most flagrant case was of Faustino Nguamba, which we will discuss below.

Nevertheless, during the pre-trial period, the National Bureau of Criminal Investigation (DNIC) and the Prison Services play an important role in the continuous violation of the rights of suspects.

DNIC is in charge of field investigations, under the direct command of the magistrate of the Public Prosecutor's Office. It is responsible for the swiftness of the investigation and trial, and proper treatment of those accused of committing crime. The term of preventive custody and the formal accusation from the Public Prosecutor's Office depend on the speed of the investigation.

Frequently, investigators delay the enquiry because they know that the Public Prosecutor's Office will prolong the duration of preventive custody, even if there is no

due cause.

This overrules Prison Services (Serviços Prisionais) responsibility for detaining suspects, restricting their freedom, treating them properly and determining the duration of preventive custody.

According to Article 23 of the Law of the Preventive Custody, Prison Services cannot accept to have under its custody any inmate delivered to them without having his or her respective procedural orders.¹¹

Further, the Prison Service (Serviço Prisional) has the obligation to monitor any illegally held inmates, which means that they should regularly inform responsible entities in the event of wrongful imprisonment (i.e. the cases of inmates in preventive custody that have exceeded the expected time according to the Law, or cases of inmates who have fully served their sentence, but are still imprisoned).

Nor should they, under the principle of institutional solidarity and cooperation between the executive and judicial power, withhold information from the public when the Public Prosecutor's Office and courts neglect their duties.

This omission by the Prison Services constitutes a crime and is punishable by Angola's Criminal Code.

AJPD learned of and documented many cases of violations of the rights of suspects and accused of committing crimes, either by officers of DNIC or by agents of the Prison Services.

So far, because of the non-existence of a computer network system that allows shared management of the data regarding the situation of each detainee, DNIC, the Prison Services, the Public Prosecutor's Office and the Courts cannot avoid violating the stated period of preventive custody.

However, it is important to acknowledge a positive partnership effort between the Prison Services, AJPD, and the School of Engineering of the Angolan Catholic University to create a software program and offer computers that will enable the criminal justice system to update the way it manages information.

Frequently, neither the Attorney General nor the Ministry of Internal Affairs use the mechanisms of protection for the accused, namely applying the necessary disciplinary processes to the magistrates and/or staff responsible for possible violations.

¹¹ Law of Preventive Custody, Article 23: “incarceration in detention centers is permissible only with a warrant or procedural order.” (our translation)

The courts also share responsibility for the excessive preventive custody during the pre-trial phase, to which many detainees are subject to in the Angolan jails.

The Upper Council of the Judicial Magistrates could make important changes to the preventive custody problem, but it has shown no public signs of taking action in this respect.

In a clear attempt to convince people that excessive preventive custody is no longer an issue, there have been some instances of propaganda via the media in favor of the Attorney General.

However, excessive preventive custody is a recurrent problem in Angola. In June 2003, Members of Parliament on the 1st Commission for Constitutional and Judicial Affairs of the National Assembly made a field visit to the province of Cabinda and witnessed and documented several cases of excessive preventive custody in the prison of Yabi.¹²

1.1 Delayed Judgments:

There are several causes for the slowness in the trial process:

- a)** Shortcomings of current criminal law; the prolonged period of procedural terms and the lack of human resources.
- b)** The Judicial Secretariat's organization is outdated, coupled with poor qualifications of support personnel.
- c)** The "laissez faire" attitude of Investigative Police, with complicity of the Public Prosecutor's Office.
- d)** The lack of adequate means of transportation and communication by the Investigative Police, prison facilities and the courts.
- e)** The lack of material needed for criminal investigation such as transportation, laboratorial and scientific capacity.

Following we present a few examples of cases from 2000 to present that illustrate the continuity of false imprisonment, violation of the period of preventive custody, disorganization and lost cases.

Note:

- a)** In most of the cases presented bellow, there is no precise date of release of the accused, because AJPD activists were not promptly informed of their release.

¹² *Jornal de Angola*, June 7, 2003: pg. 4.

b) Therefore, in order to illustrate the generalized and systematic violation of the law of pre-trial preventive custody, AJPD will use as reference the dates of detention until the day in which AJPD intervened to help detainees in requesting their respective release.

c) However, it is important to note that many detainees remained incarcerated unfairly, even after AJPD requested their immediate release or a *habeas corpus* provision.

1. Faustino Nguamba was arrested on January 7, 1993, when he was fifteen years old. He was arrested by officers of the 4th Police Station under suspicion of stealing a jeans jacket. He was in that police station for two weeks without hearing the charges against him, and then he was transferred to the Bureau of Criminal Investigation where he stayed for two hours. Finally he was sent to the Viana penitentiary where he was incarcerated for seven years. Detained arbitrarily by the State, he remained illegally incarcerated, without either being accused or convicted until September 28, 2000, when AJPD intervened in his favor and the provision of a *habeas corpus*.

On October 18, 2000, Dr. Luis Fernandes do Nascimento a lawyer working for AJPD, went to the Viana penitentiary to visit Faustino Nguamba, without success. In the occasion, he was told that Faustino Nguamba was “requested” by the Provincial Bureau of Criminal Investigation.

Since courts had failed to follow Faustino Nguamba’s legal procedure and provided that Nguamba, despite the fact of being a minor was also a soldier, AJPD's lawyer wrote to the Honorable Chief Justice of the Military Court to state Nguamba’s imprisonment irregularities and request his immediate release.

AJPD requested an inquiry of this case, including criminal charges against those responsible.

2. João Domingos Matuca: was detained on December 6, 1996, and remained in the Viana penitentiary until January 29, 2002. He was illegally incarcerated for approximately 5 years. When arrested he was taken to the Cacuaco jail where he stayed for 2 days. Later he was taken to the DPIC; 10 days after he was transferred to the Viana penitentiary. The Attorney General's Office never notified João Matuca of the accusations against him, nor was he tried. AJPD’s lawyers requested immediate appearance of the accused before the Honorable Chief Justice of the Provincial Supreme Court of Luanda to order his release. Matuca was released on the date mentioned above.

3. João Antonio Belecha: was detained on May 27, 2001. He was held without being notified of the charges against him until November 1, 2001, when AJPD lawyer requested immediate release of the accused. At that time he was still under pre-trial preventive custody.

4. Armando João: was arrested on June 9, 2001 and placed in the Luanda Central Jail (Cadeia Central de Luanda). He was not notified of the charges against him, and remained under preventive custody until November 1, 2001, when AJPD lawyer requested his immediate release.

5. Ambrósio Jaime Gouveia: a police officer was imprisoned in the Luanda Central Jail on March 21, 2002 for suspicion of abducting of 3 young women. For months later, (143 days), Ambrosio Gouveia had not yet been accused by the Public Prosecutor's Office. On July 5, 2002, AJPD wrote a letter to Dr. Domingos Culolo, Public Prosecutor, requesting him to make a decision on the case.

6. Sérgio Paulino Chissengue: was arrested on September 16, 1998, accused of committing a crime of violating trust, and remained in jail until August 6, 2002. On this date AJPD lawyer requested his immediate release, for violation of the stated period of pre-trial preventive custody.

7. Mário António Tito and Paulo Caloweto: were detained in the Luanda Central Jail since March 5, 1999 until May 22, 2001, accused of theft. AJPD lawyer requested immediate release of the accused for deliberate mistaken imprisonment.

8. Nelito João: was arrested on December 5, 1999, and placed in the Luanda Central Jail, under the accusation of stealing a golden earring. He remained under pre-trial preventive custody until August 6, 2001 when AJPD lawyer requested the court to provide information about his file, given that the jail's records did not contain his file.

9. Domingos Mateus: was arrested and detained in the Luanda Central Jail from January 19, 1997 until December 14, 2002, under suspicion of stealing U.S\$10. He was arbitrarily convicted without appearing in court and was never informed of his conviction until AJPD contacted him and managed to find him a lawyer.

10. Manuel Domingos Rodrigues: was arrested on June 26, 1998 for suspicion of illegal possession and use of drugs. Domingos wrote a petition addressed to the Honorable Attorney General at the DNIC, in which he stated that he had never been notified of his accusation nor had he been summoned for judgment and he did not know about the situation of his case. He remained in jail until August 7, 2001, the date on which the AJPD lawyer requested that DNIC granted him a provision of *habeas corpus* and his immediate release due to the clear violation of the stated period of preventive custody.

11. Mário Adão: was arrested on September 14, 1998, under the accusation of using drugs. He was detained in preventive custody until January 23, 2002, without having been formally accused, or knowing the number of his file or which court was responsible for it.

12. João Francisco: was arrested on November 1, 1997, under suspicion of homicide and theft. He remained in prison until November 28, 2001, still in preventive custody. As of that date, he had not been formally accused and he did not know the number of his file or which court was responsible for it.

1.2. Illegal extension of prison terms

Several detainees remain in jail after having fulfilled their prison term. This is in part due to the lack of communication and integration among the prison system, courts and the Public Prosecutor's Office. Among the cases documented by AJPD, we present the following:

Manuel Silva da Costa was in preventive custody since March 4, 1997. He was condemned to 8 years in prison in 2000, but under an amnesty agreement, he should be released on March 1, 2003. He was still in jail in April 2004. In addition, he had been convicted *in absentia*.

Manuel Pedro Dias was arrested on December 21, 2000 and was incarcerated in the Luanda Central Jail. On March 17, 2001, the Public Prosecutor's Office in the 1st session of the Luanda Provincial Court ordered his release. However, he was still incarcerated until September 10, 2003 due to an administrative failure to carry out his release.

1.3. Habeas Corpus

The right of *habeas corpus* is enshrined in Article 42 of the Angolan Constitution and guarantees the freedom of citizens from the abuse of power resulting in their arrest or illegal detention.¹³ It was repealed in 1975, and reinstated in the 1992 Constitution currently in effect. Unfortunately, its absence in the period from 1975-1992 has led to the loss of this right in practice.

At the time of this writing, some judges were still unaware of its reach, forgetting that the right of *habeas corpus* is a constitutional guarantee. Others ignore it in practice because they are unfamiliar with the corresponding procedural course of action. In result, it is clear that those suspect of committing crime became more vulnerable within the criminal justice system.

The argument that putting the right to *habeas corpus* into practice is difficult because it is not spelled out in law is invalid, since it is articulated in the Procedural Penal Code in Articles 312 and 325.

¹³ Constitution, Article 42. "the right to habeas corpus can be claimed before a judge, in the event of the abuse of power in illegal prison or detention." (our translation)

Even if this were not true, the best doctrine and jurisprudence states that the provision of *habeas corpus*, as guaranteed in the constitution, simply requires an inquiry into unlawful detention or incarceration.

Therefore, situations in which judges refuse to uphold the right to *habeas corpus* without grounds are simply a denial of rights and justice.

Bellow we cite a few cases from 2001 to 2004 of detainees for whom AJPD requested *habeas corpus*. In all these, the Supreme Court has replied with glaring silence.

1. Adriano Pedro was arrested without a warrant on December 27, 1999, for suspicion of drug use. He was in preventive custody until February 2002, date on which AJPD helped him request a provision of *habeas corpus*. He had not been notified of any accusation. By chance, he heard through an officer of the Luanda Provincial Court that his file was sent to the 6th Section.

2. Emanuel Jose Miguel was arrested on December 1, 1992, for suspicion of stealing a stereo system and an unknown amount of money. He was imprisoned from that date until August 28, 1995, when he escaped from jail during a rebellion that occurred in the Luanda Central Jail. In December 1999, he was again arrested and returned to jail. As of December 14, 2001 he had not had been notified by the Public prosecutor's office or the Luanda Provincial Court of any accusation. On February 10, 2003, AJPD lawyer requested a provision of *habeas corpus*.

In total, he was imprisoned for seven years without being formally accused.

3. António André was arrested on April 9, 1999, under suspicion of stealing 2 Motorola radios receptors. He was imprisoned in the Luanda Central Jail, awaiting judgment until the date that we learned of his case. AJPD estimates that even if he had been convicted, he should have been released because of the amount of time already spent in prison, according to the Amnesty Law of 2000.

AJPD helped him to request a provision of *habeas corpus*, which was submitted to the Honorable Chief Justice of the Supreme Court, Dr. Christiano André, on August 23, 2003 while he was still detained under preventive custody.

4. Aurelio Augusto was detained on February 8, 1998, in the Luanda Central Jail for suspicion of stealing about 575,000 Kwanzas. He was still in preventive custody until September 9, 2001, even though he had requested a provision of *habeas corpus* with the help of AJPD lawyer on October 27, 2000.

5. Bartolomeu João Pascoal was incarcerated in the Luanda Central Jail on June 17,

2001, for suspicion of stealing a car. He was under preventive custody without having been accused by the Public Prosecutor's Office until August 2, 2004, date on which AJPD helped him request a *habeas corpus*.

2. Right to equal access to justice and defense

The right to a public defender and access to justice are constitutional rights granted to the all. Therefore, the state has the obligation to provide means so that citizens with financial difficulties receive legal assistance (Article 36, (1) and (2) of the Constitution).¹⁴

The Law that stipulates the right to a defense is Law 15/85 of November 18, 1985.

Most defendants in Angolan penitentiaries do not have financial means to afford for a lawyer, and are not appointed a public defender. AJPD documented this situation frequent to most of those interviewed by our researchers and activists.

In spite of the initiatives developed by the Angolan Bar Association, the State persists in violating the right to a public defender.

This attitude has consequences in the way the State respects the rights of the accused during interrogation and investigation. In practice, magistrates of the public prosecution service are not the ones who lead investigations. Instead, officers of the criminal police do so in their stead. The criminal police often resort to threats, physical violence and other practices that violate the rights of the accused, since they do not have a lawyer to assist them or oppose the decisions implemented by public prosecutors.

The Angolan State does not always pay public defense lawyers, and even though interns are often the only ones available to take cases, they too are poorly paid.

Frequently, according to the testimony of a number of the detainees, lawyers hired as public defenders resign their assigned clients for financial reasons.

According to the President of the Bar Association, lawyers often have to bare their own costs associated with citizen's judiciary assistance, when this should be the State's responsibility. (*Jornal de Angola*, November 23, 2003; pg. 3)

In September 2003, the President of the Bar Association supported the idea of creating an institution to provide legal assistance with the purpose of helping underprivileged

¹⁴ Constitution, Article 36, no. 1 "no citizen can be imprisoned or tried, except according to the law, guaranteeing rights of the accused, the right for a defense and the right for assistance and judicial support", no. 2 "the state provides that justice is not denied because of financial difficulties. "

citizens.¹⁵

3. The Right to Moral and Physical Integrity

According to Article 23 of the Angolan Constitution, “no citizen can be submitted to torture or inhumane, humiliating or cruel punishment.” (our translation) This legal disposition should be interpreted in concert with the United Nations Charter, as stated in Angolan jurisprudence.

During AJPD’s regular visits to the Angolan penitentiaries and detention centers, we were able to document several instances of serious abuses of the physical and moral integrity of the detainees, inflicted in many ways and by several different entities.

Violations begin during investigation. Investigators who conduct searches, arrests and/or detentions often do so in a way that the accused are brought to a magistrate of the Public Prosecutor’s Office for interrogation and eventual application of measure of coercion.

There is a generalized misconception that investigators have unlimited power. In part this is due to the absence of public prosecutors during investigation and indictment process.

Unfortunately, most investigators are unaware of the defendant’s rights in the criminal process, and very few are aware of their duty to treat citizens with respect, even if suspected of horrendous crimes.

Therefore, investigators frequently resort to threats in order to obtain information that they need for trial.

After the detention phase, those who will face preventive custody or are otherwise imprisoned continue to be victims of physical and moral abuse.

Prison agents often commit new physical and moral abuse. As before mentioned, there is a generalized situation in the Angolan jails in which most inmates live under constant violation of their integrity and health, as a result of the poor and degrading conditions of detention facilities.

The lack of basic sanitary conditions in jails, especially those related to the state of the washrooms, create an environment in which disease flourishes. Prisoners very often are forced to defecate in their prison cells because they are forced remain locked in their cells for several consecutive days.

In many cells, the walls, floors, water, electricity and sewer systems are damaged,

¹⁵ *Jornal de Angola*, September 21, 2003: pg. 4.

exposing detainees to additional risks.

In August 2000, the biweekly newspaper *Folha 8* denounced in a news article that, the stench in the jails was unbearable to the point that many inmates died because of overcrowding and the Angolan heat.¹⁶

In March 2001, during celebration of its anniversary, the National Bureau of Prison Service introduced a project to build and rehabilitate correctional facilities in Luanda, Benguela, Namile (Bentiaba), Cabinda (Péu- Péu), Kwanza-Sul and Huila. Allegedly, this effort would contribute to improve living conditions, medical assistance and nutrition of detainees.

However, at the time of this writing, with the exception of the Viana jail, whose renovation has begun but not completed, none of the other announced renovations have started.

Similarly to prisons and penitentiaries, police stations (*esquadras de policia*) have jail cells but no washrooms, and are often overcrowded. This is due mainly to police sometimes not complying with the law which establishes that detainees be presented to the Magistrate of the Public Prosecutor's Office on the same day of their arrest.

Frequently, the Provincial Bureau of Criminal Investigation also fills its cells beyond their capacity.

During AJPD's visits to jails and detention centers, many detainees complained of mistreatment and abuses committed at DNIC facilities by investigators that allegedly tried to obtain confession of crime.

Many detainees also informed AJPD that in the Luanda Central Jail they are often forced to sign blank papers. Their refusal could lead to physical punishment for alleged indiscipline.

For example, Mrs. Julia Apolinario, imprisoned at the Luanda Central jail, was a victim of mistreatment. She had problems with hemorrhages but during custody, though the manager for the female section was aware of her health condition, she was never treated, even. (May 16, 2001).

Many detainees are victims of physical and verbal violence committed by prison agents when they disobey the jails' rules. Punishments inflicted to prisoners who do not follow the rules exceed mere disciplinary sanctions and in most cases entail intolerable levels of inhumane and cruel mistreatment.

¹⁶ *Folha 8*, August 19, 2000.

For example, in Bengo Jail, Rui Barro was incarcerated for 28 days in a sugar container without doors or windows (26 June, 2002). After AJPD denounced this situation, the Director of the National Prison Services took tentative measures to prevent similar situations from happening in that correctional facility.

In general, detention centers have their own means of sustenance, such as land for agriculture and livestock. However, most of the products produced in these detention centers are not for the consumption of detainees. According to AJPD interviews at the Luanda Central Jail and Viana jail, these supplies serve top managers of these centers and other officials such as members of the Ministry of Internal Affairs. The National Bureau of the Prison Services promptly denied these accusations.

In 2001, AJPD's activists learned that many inmates from the penitentiary of Viana were requested to work a farm called "Bela Vista" in the outskirts of Kikuxi, presumably owned by a senior member of the government.

In fact, the property belonged to the Minister of the Internal Affairs, who, according to the weekly *Agora*, after accepting the position of Prime Minister, confirmed his ownership and provided a legal title for the property.

Detainees are given inadequate supplies of food. Therefore, relatives are forced to supply detainees with food on a daily basis. However, detainees and relatives also complained that prison agents often take their personal supplies away.

In 2000, AJPD filed a complaint¹⁷ to the Honorable Attorney General demanding stern measures and calling upon the Angolan Executive to end violence and abuse in the prison system. AJPD's complaint was strongly based on reports of the degrading condition of Bengo jail facility (an old sugar factory), Bengo detainees' poor living conditions, the lack of medical assistance, numerous cases of violence against detainees and the use of detainees as forced labor by Bengo prison manager.

4. The right to visit

According to Angolan Constitution, Article 40 "all inmates have the right to receive visits from family members and friends and to keep correspondence with them within the conditions and restrictions of the Law." (our translation)

This concerns a fundamental right that prisoners have, which cannot be limited without legal grounds.

¹⁷ News report released to Ecclesia Radio Station, BBC and RDP-Africa; *Jornal de Angola*, November 10, 2000; *Jornal Agora*, December 9, 2000; *Jornal Actual*, September, 2, 2000; *O Independente*, September 2, 2000, *Jornal Agora* and *A Capital*, July 6, 2002.

From September 2000 to March 2001, in the beginning of its activities, AJPD was prevented from visiting and corresponding with detainees.

Initially, it was said that detainees were not interested in the work of AJPD. However this quickly changed because as soon as the inmates, particularly the un-convicted, learned about the work of AJPD, they showed interest in receiving our visits and assistance.

On August 29, 2000, Vianna Penitentiary manager, Francisco Ningoso, threatened and prohibited two researchers from AJPD, Lucia Silveira and Juliana Jorge, to enter the Penitentiary of Viana.

During the month of August, AJPD had contacted the managers of the Luanda Central Jail and the Penitentiary of Viana, and was informed that only the National Board of Prison Service could grant a visit permission.

AJPD replied informing managers of detainees' right to receive and correspond with visitors and representatives of civil society. In addition, AJPD sought individual visits to detainees rather than an official visit to the prison centers.

AJPD replied with formal complaints. Despite these complaints, on September 1, 2001, during a visit to detainees in the Penitentiary of Viana, an on-duty officer told AJPD activists that according to higher orders it was not authorized to make visits. A similar situation took place two days later in the São Paulo Prison-Hospital.

This did not prevent detainees from contacting AJPD activists, which they did it through family members.

On October 30, 2001, AJPD sent a letter to the Members of Parliament, requesting their intervention to ensure detainees' right to receive visitors.

On October 11, 2001, AJPD requested that the Justice of Peace recommend the Department of the Internal Affairs to uphold the rights of detainees.

In order to pressure authorities, on October 28, 2001, AJPD also distributed 13 thousand leaflets throughout Luanda.

The incidents that prevented AJPD from visiting detainees led to media reports on the matter.¹⁸

AJPD and the National Board of Prison Services insisted in continuous dialogue, leading

¹⁸ AJPD reported to the BBC of London and the *Voice of America*; September 4, 2000; in issue number 239 of September 2, 2000; *O Independente* in its issue of October 28, 2000. AJPD also reported to LAC and Ecclesia Radio in September, 2000.

to the respect of detainees' right to receive visitors and a further in cooperative relationship.

The Board is now more willing to work with AJPD, facilitating our contact with detainees within the Board's rules. This new stance has resulted in the correction of numerous arbitrary arrests, since AJPD is now able to quickly contact detainees who claim to be wrongfully held. The Board has also provided relevant information when requested, allowing for court appeals on behalf of inmates.

V. Recommendations

1. The Angolan Government:

1. Present a plan of reform of the judicial system, creating a commission to assess the state of the Angolan criminal justice system.

1.1 This commission should be a multiparty body, assuring a transparent and realistic diagnosis. It would have responsibilities such as defining the principles and guidelines of the judicial reform in its different areas.

2. Given the urgency and consensus on the need to reform the criminal justice system, the Government should commit to creating a new Criminal Code, Code of Criminal Procedure, Law of Preventive Custody, Law of the Office of the Attorney General and Law of the Criminal Investigation, within a period of two years.

3. Considering that the current Law of the Unified System of Justice is outdated, the Ministry of Justice should, in conjunction with magistrates, lawyers and law professors, organize a commission in charge of elaborating a new organization of the courts.

4. Promote a new Law of Organization of Courts based on their specialization.

3. The Ministry of Internal Affairs in partnership with the Ministry of Justice should promote a reform to improve the current conditions of the Prison System and to include the following guidelines:

3.1. The Angolan Correctional System must be based on the idea of the social reintegration of inmates; so the team to reform the prison system should include psychologists, sociologists and specialists in criminal law.

3.2. A new correctional facilities law must be created taking into consideration the distinction and separation of inmates between those convicted of serious penalties (considered dangerous) and those convicted for drug use and small theft. It should also make a distinction between convicts and those in preventive custody.

3.3 Jails and detention centers need to be renovated and modernized. There should be limits on the number of inmates per cell, requiring an increase in the number of correctional facilities in the country.

3.4. The law that regulates the prison services should include strict mechanisms of discipline and criminal action against prison agents found guilty of rights violations.

4. The Government should also provide Angolan Courts with more human resources, raising magistrate and judicial personnel salaries and also improving working conditions, starting with renovating (or re-building) the offices that house the courts.

5. A New Law of Preventive Custody should take the following into account:

a) The duration of preventive custody must be reduced and clearly defined. The principles on which the implementation of the preventive custody rests should reflect the presumption of innocence.

b) Alternatives to preventive custody and imprisonment must be created.

c) Preventive custody must be justified only for procedural purposes but not as a means to fight against criminality or to respond to the State's inability to locate citizens in their homes.

d) A judge should be the one to order preventive custody and not a magistrate from the Public Prosecutor's Office; the accused in this phase must have a right to a defense attorney at this stage of the trial.

e) Situations, which call for the extension of preventive custody, must be clearly defined. Preventive custody should not be extended because of the State's inability to investigate.

6. Since it is not possible to have a reasonable justice system without good criminal and legal investigation, government should improve investigators salaries and their laboratory and scientific working conditions.

7. Considering that the National Bureau of Criminal Investigation (DNIC) has been disputed between the Ministries of Justice and Internal Affairs, government should urgently contract specialists to give their opinion about the best way to manage the judiciary police within a modern State, governed by the rule of law.

2. The National Bureau of Prison Services:

1. Considering that the Law which regulates the Correctional Services has existed since

1955 and is now outdated, we propose that the National Bureau of Prison Services pressure the Ministry of the Internal Affairs (in conjunction with Ministry of Justice) to create a team to promote the reform of the Angolan Prison System, whose first task will be the preparation of guidelines for the correctional reform and the creation of a new law that regulates it.

2. Given the need for a more specific diagnosis about the Angolan prison system, such as the characterization of the inmates, number of existing arrests, condition of facilities, occurrence of frequent violation of the prisoners' rights, prison agents and officers, the Prison Services should start a preliminary study, which will be important to understanding the prison system.

3. Given the importance of training prison agents and staff, both from the criminal control and rehabilitation sector, the National Director of the Prison Service should design and implement training programs and continuous nationwide updating for its personnel in human rights, moral education, civic duty and other relevant areas.

4. The Correctional Services in association with its respective Ministry should create conditions to satisfy the daily needs of inmates, namely those related to health, education, professional training, culture, sports and religion.

3. To the courts, the Attorney General, and the Angolan Bar Association:

1. In light of the problems and unconstitutionality of the Law of the Unified Justice System, which leads to a slow, bureaucratic Justice System, judges should encourage the creation of a new law governing the Judiciary.

2. Given that the Angolan Justice System is characterized by a lack of independence from the government, judges associations should initiate a revision of their wage scale and ask the President for the provision of better working conditions.

3. The Attorney General, with respect to the Constitution, the rule of law and the separation of powers, should reject the current statute and contribute to a new law, which should include the following:

3.1. The decision to apply extraordinary measures, such as preventive custody, should come from a judge, who would intervene in the pre-trial phase.

3.2. The Public Prosecutor's office should not act as prosecutor and judge at the same time. The investigation and indictment of crimes should be separated from the decision to hold a defendant in preventive custody.

3.3. The new Attorney General Law should clearly define that the office is only dependent

on the Angolan President in as much as the latter nominates the former. The Constitution is superior to all other ordinary laws including the current Attorney General Law.

4. The Angolan Bar Association, in conjunction with judges and the government, should promote a new law on access to justice and free counsel. Public lawyers should also have a salary increase.
5. Angolan Bar Association should accept a larger role in promoting an urgent and necessary judicial reform, not settling for mere statements, but presenting proposals. The Bar Association is capable of doing this and has the legal standing to do so.

4. To the National Assembly:

1. Given that the National Assembly is a democratic legislative body, it should pass laws to restructure the judiciary.
2. Considering the urgency of new legal instruments to consolidate the rule of law, the National Assembly should pass a plan for reforming the legal system. The reform should begin with the court system, hiring the best clerks and guiding their work with judges.
3. Congressmen especially those assigned to the 6th and 9th Commissions, should not merely visit prisons and make statements. Instead they should hold accountable those responsible for violations.

When justified, oversight commissions should investigate complaints of State sponsored rights violations as provided for in the Constitution.

Congressmen should also visit the courts, police stations and DNIC, to learn *in loco* about their working methods and conditions.

5. To the International Community:

1. Given that consolidation of democracy depends on the construction and affirmation of the rule of law, in which rights, freedoms and guarantees are certain, in which limits on power are enshrined by law, and where the justice system functions effectively; the International Community should support the Angolan Government in reforming the Justice system.
2. Since civic institutions are also important to oversee and monitor the State's action, the International Community should support Angolan organizations in capacity building, without substituting them by foreign organizations and excluding Angolans

of the national political process and reproducing within Angola the dependent relationship between the Western Nations and the Third World.

VI. Some positive signs

In spite of the situation described above, it is important to recognize some positive measures and initiatives.

In reference to judges' and public prosecutors' concerns about creating municipal courts, the 13th Consultation Council recommended in June 2003 that the project be implemented and prison conditions improved.

The Government has tried to respond accordingly. An initial course has been created to train municipal judges, and some of the new courts are already operating. (*Jornal de Angola*, June 2003)

The UNDP and the UN Office in Angola (UNOA), agreed to support the implementation of a "municipal justice project." (*Jornal de Angola*, March 23, 2003).

In May of 2001, the Angolan Bar Association created and presented a "Diagnosis of the Justice System" with its ideas for a judicial reform. The association has also intervened in police stations in the Province of Luanda. This project, if implemented in an on-going basis with support of the National Police, could prevent violations that occur in the police stations and facilitate detainees' access to a defense at the time of their indictment. The second phase of the project began in 2002.

After many complaints about the courts' infrastructure, some have been repaired. For example, the Provincial Court of Luanda benefited from new facilities in the Dona Ana Joaquina Palace. However, it seems that there is no systematic effort or time-line for repairing the existing courts and building new ones.

Another on-going problem is the treatment of minors in the court system. Though the government passed a new Legal Code for Minors in October 2002 leading to the creation of training courses on the rights of children, and the ratification of the rights of the child in December, 2002, courts for minors inaugurated in June 2003 still do not operate properly.

In May of 2003, Angola President named a commission for judicial reform. This commission with its 8 members, coordinated by Carlos Feijó, accepted the task of in six months making an institutional, including with respect of human and physical resources, legislative and legal/sociological diagnosis of the justice system.

This initiative vindicated the voices of those who always proclaimed the urgency of

reforming the Angolan justice system.

However, before the conclusion of this commission's work and with no public explanation, the President created a new commission in substitution to the previous one. The Minister of Justice coordinates the work of 13 new jurists in this new commission. Though the creation of these commissions seems to be beneficial to the consolidation of the rule of law, it seems questionable that the new members seem to be all pro-government.

VII. CONCLUSION

To conclude, it is worth noting the Angolan Supreme Court's response to the pressures of Angolan civil society that has exerted in calling for an emboldened judiciary compatible with a democratic rule of law.

“With respect to the shadows of discredited magistrates in general and the judicial apparatus in particular, the Plenary recognizes the weakness of some judges in not carrying out their functions with the same level of professional conduct as other professional groups. The Plenary realizes that the improvements which the magistrates want, and which legitimately concern society at large, require a combination of more incisive, transparent and constructive measures by the organs of the government, in order live up to national expectations from the Judiciary. Without such political intervention, it will be merely utopian to continue to argue for the improvements that magistrates want.”

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