



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Initial report submitted by Angola under
article 19 of the Convention, due in 2024***

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* The present document is being issued without formal editing.



I. General information

A. Introduction

1. According to article 2 of the country's Constitution, the Republic of Angola is a democratic State based on the rule of law.
2. At the last general election, in 2022, João Manuel Gonçalves was elected President of the Republic for a second term. National and international observers declared the elections free and fair. The electoral process reinforced the political trajectory of the Angolan State in terms of governance and the strengthening of democratic institutions, human rights and dialogue with civil society.
3. Angola ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to National Assembly Resolution No. 38/19 of 16 July 2019 and deposited the instrument of ratification on 2 October 2019, thereby clearly affirming the State's commitment to the promotion and protection of human rights and the fight against torture. Angola signed the Optional Protocol to the Convention on 24 September 2013.
4. This initial report was prepared by the National Mechanism for Reporting and Follow-up on Recommendations and the Intersectoral Committee for the Preparation of National Human Rights Reports, coordinated by the Ministry of Justice and Human Rights.
5. The Intersectoral Committee was established by Council of Ministers Resolution No. 121/0 of 26 December. At the decision-making level, the Committee is composed of ministers and representatives of public bodies and other State institutions. At the implementation level, it is composed of relevant experts from these institutions. Presidential Decree No. 2/14 of 26 March 2014 provided for an adjustment to its composition. Civil society organizations cooperate with the Intersectoral Committee and actively contribute whenever they are consulted or their participation is requested.

1. Description of the country

6. Angola is a country located on the west coast of Africa, bordered to the north and east by the Democratic Republic of the Congo, to the east by Zambia, to the south by Namibia and to the west by the Atlantic Ocean. It includes the enclave of Cabinda, which is bordered by the Republic of Congo to the north.
7. Angola is a former colony of Portugal. Colonization began in the fifteenth century and lasted until independence in 1975. The country is made up of an arid coastal strip stretching from Namibia to Luanda, a humid inland plateau, dry savannah in the south and southwest interior and tropical forest in the north and in Cabinda. Angola is the fifth largest country in sub-Saharan Africa, with a total surface area of 1,246,700 km². Administratively it is divided into 18 provinces, 164 municipalities and 559 communes.¹
8. The territory is mostly highland plateau, with an altitude of between 1,000 and 1,500 metres, bounded by a narrow strip of coastal lowland. The highest point is Mount Moco in Huambo province at 2,620 metres. The climate is varied, ranging from dry desert to well-watered savannah, and is temperate due to the altitude.
9. The Angolan population is fairly diverse. About 95 per cent of citizens are of African Bantu heritage, belonging to a variety of ethnic groups.
10. These ethnic groups remain essentially unchanged and citizens from the different groups communicate using the official language, Portuguese, and other Angolan languages.
11. During the second half of the twentieth century there was a marked exodus from rural areas to the cities, mainly as a consequence of the civil war that broke out after independence.

¹ Source: Ministry of Territorial Administration.

It is estimated that just over half of the total population of Angola migrated to urban areas, where they remain today.

12. The death penalty existed under Portuguese law during the colonial period and in the Criminal Code that was adopted by Angola. Given the status of “native” Angolans, the practice of torture was a constant.

2. Demographic landscape

13. According to the findings of the 2014 general population and housing census, which was the first conducted since independence, the resident population stood at 25,789,024 inhabitants, of whom 12.4 million were female (48 per cent) and 13.2 million male (52 per cent). Projections for the 2024 census estimated the total population at 33,086,278 inhabitants, of whom 19,938,633 are women and 16,147,645 men.

3. Commitment of the State of Angola: preparation of the report

14. This report was prepared on the basis of: (i) the Committee’s guidelines for initial reports to be submitted under the Convention; (ii) information gathered from different State and non-State partners; and (iii) ongoing dialogue with civil society organizations working in the field of human rights, including local human rights committees.

15. During the preparation of this report, several training activities were carried out with the technical assistance of the Convention against Torture Initiative, which held a seminar in Luanda in 2020 and also a public debate. The report was prepared in accordance with article 19 of the Convention.

B. General legal and institutional framework under which torture and other cruel, inhuman or degrading treatment or punishment is prohibited

16. Article 60 of the Constitution prohibits torture and degrading treatment. Article 361 (3) (b) enshrines the right not to be tortured and not to be treated or punished in a cruel, inhuman or degrading manner.

17. Article 370 of the Criminal Code establishes the criminal offence of torture and cruel, inhuman and degrading treatment, which is punishable by 1 to 6 years’ imprisonment.

18. Angola has made significant progress in the promotion and protection of human rights and the implementation of the Convention. It has a national human rights strategy and accompanying action plan, adopted by Presidential Decree No. 100/20 of 14 April 2020.

19. This human rights-focused public policy instrument consists in a framework of actions to be implemented that reflect a coming of age for Angola in the human rights sphere. The first step in this process entails exercising the legitimacy that comes with national sovereignty, meaning that it is for the citizens of Angola, first and foremost, to assess, denounce, condemn and remedy the country’s human rights failings. Four years after its adoption, 80 per cent of the measures set out in the action plan have already been implemented. Under the National Human Rights Strategy, human rights have been elevated to the level of “national security issue”. The main actors tasked with monitoring human rights issues are the civil society organizations operating throughout the country, mainly through local human rights committees, which prepare independent reports for submission to the National Security Council (eight have already been submitted) so that the competent State bodies can take the necessary measures.

20. One of the pillars of the National Human Rights Strategy is the expansion of local human rights committees at the municipality and commune levels. At present, Angola has 18 local human rights committees at the provincial level (1 in each province), 164 at the municipal level (1 in each municipality) and more than 100 at the commune or district level. These committees are multisectoral bodies that ensure the promotion and protection of human rights at the local level. They are composed of civil society organizations representing

traditional authorities, religious leaders, representatives of persons with disabilities and persons with albinism, academics and minority groups, inter alia.

21. The Strategy was devised with broad civil society participation nationwide and its development was made known to the Government's international partners in the human rights sphere.

22. A further achievement was the adoption of the Criminal Code of Angola (Act No. 38/20 of 11 November 2020), the Code of Criminal Procedure (Act No. 39/20 of 11 November 2020) and the Code of Administrative Procedure, all of which contain provisions upholding human rights, including articles on torture.

23. The evolving legal and institutional framework for protecting human rights and combating torture is made up of the following:

- (a) Long-term Development Strategy 2050;
- (b) National Development Plan 2023–2027;
- (c) National Development Plan 2018–2022;
- (d) Constitutional Amendment Act (No. 18/21 of 16 August 2021), which allows, inter alia, voting by citizens living abroad and establishes the Supreme Court as the main court;
- (e) National Human Rights Strategy and accompanying action plan (Presidential Decree No. 100/20 of 14 April 2020);
- (f) National Action Plan to Combat Trafficking in Persons (Presidential Decree No. 31/20 of 14 February 2020);
- (g) National Referral Mechanism and standardized operating procedures (Executive Decree No. 179/22 of 1 April 2022);
- (h) Criminal Code (Act No. 38/20 of 11 November 2020) and the Code of Criminal Procedure (Act No. 39/20 of 11 November 2020), various provisions of which are aligned with human rights conventions;
- (i) Act No. 27/20 of 20 July 2020 on the Ombudsman (*Provedor de Justiça* in Portuguese);
- (j) Act No. 29/20 of 28 July 2020, the Statute of the Ombudsman's Office;
- (k) Act No. 13/19 of 23 May 2019 on the Legal Regime for Foreign Nationals in Angola, and implementing regulations;
- (l) Presidential Decree No. 200/18 of 27 August 2018, establishing the National Council for Refugees, and implementing regulations;
- (m) Migration Policy of Angola, adopted by Presidential Decree No. 318/18 of 31 December 2018;
- (n) National Action Plan for the Eradication of Child Labour;
- (o) General Civil Service Act (No. 26/22 of 22 August 2022);
- (p) Act No. 31/22 of 30 August 2022, the Code of Administrative Procedure;
- (q) Executive Decree No. 240/20 of 2 October 2020, enacting the regulations of local human rights committees;
- (r) Act No. 12/19 of 14 May 2019 on Freedom of Religion and Worship, and implementing regulations;
- (s) General Education and Teaching Act (No. 17/16 of 7 October 2016);
- (t) Civil Requisition Act (No. 33/20 of 17 August 2020);
- (u) Act No. 3/14 of 10 February 2014 on Combating Crimes Underlying Money-Laundering and Trafficking in Persons (repealed under the Criminal Code);

- (v) National Policy on Traditional and Complementary Medicine (Presidential Decree No. 253/20 of 2 October 2020);
- (w) International Treaties Act (No. 4/11 of 14 January 2011);
- (x) General Act on the Organization and Operation of the National Police (No. 6/20 of 24 March 2020);
- (y) Prison System Act (No. 8/08 of 29 August 2008);
- (z) Act No. 19/17 of 25 August 2017 on Preventing and Combating Terrorism;
- (aa) Act No. 1/20 of 22 January 2020 on the Protection of Victims, Witnesses and Cooperating Defendants in Criminal Proceedings;
- (bb) Organic Act No. 29/22 of 29 August 2022 on the Organization and Operation of the Courts of Ordinary Jurisdiction;
- (cc) Regulations governing the disciplinary regime for Prison Service personnel (Presidential Decree No. 44/14 of 24 February 2014);
- (dd) Regulations implementing the Act on the Legal Regime for Foreign Nationals in Angola (Presidential Decree No. 163/20 of 8 January 2020);
- (ee) Military Offences Act (No. 04/4 of 28 January);
- (ff) Amnesty acts and decrees issuing presidential pardons, the last of which was promulgated in 2022;
- (gg) Regulations governing the disciplinary regime for National Police personnel (Presidential Decree No. 38/14 of 19 February 2014);
- (hh) Interim Measures in Criminal Proceedings Act (No. 25/15 of 18 September 2015);
- (ii) General Labour Act (No. 23/23 of 27 December 2023).

24. Several effective oversight and monitoring mechanisms are in place to ensure the conformity of laws and compliance with their provisions and promote transparency and accountability. They include:

- The Ombudsman's Office
- Local human rights committees
- Regular inspections
- Judicial review
- Public and media engagement
- Human rights reporting
- International monitoring

25. In addition to being a State party to the Convention against Torture, Angola is bound by the following international conventions and agreements that contain provisions related to torture and inhuman treatment:

- International Covenant on Civil and Political Rights, ratified on 27 December 1991, and the Second Optional Protocol, aiming at the abolition of the death penalty
- Convention on the Rights of the Child, ratified on 10 November 1990
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 13 August 2022
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 13 August 2002
- Convention on the Rights of Persons with Disabilities, ratified on 11 January 2013
- African Charter on Human and Peoples' Rights, ratified on 19 January 1990

- African Charter on the Rights and Welfare of the Child, ratified on 15 May 1992
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, ratified on 7 April 2022
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, ratified on 7 April 2022

26. These are the international conventions ratified by Angola that condemn torture and cruel treatment. Angola assumes this responsibility under all of them.

27. Of the nine core international human rights treaties, Angola is a State party to seven and a signatory to one other for which the ratification process is under way. The possibility of ratifying other relevant international human rights instruments is being studied.

28. Angola has signed and/or ratified all regional human rights treaties at the level of the African Union human rights system.

29. Under article 13 of the Constitution, the international conventions ratified by Angola are an integral part of the domestic legal order. The provisions of such conventions are thus considered part of domestic law and are directly applicable by the courts.

II. Information in relation to each substantive article of the Convention

Article 1

Definition

30. As mentioned in paragraph 16 above, article 60 of the Constitution prohibits torture and other cruel, inhuman or degrading treatment. Articles 370 and 383 (e) of the Criminal Code define torture and other cruel, inhuman or degrading treatment or punishment as “acts which cause physical or psychological suffering or intense physical or psychological fatigue, and the use of chemical products, drugs or other means to disrupt or impair the capacity for determination or free expression of the will of the person under the custody and control of the perpetrator”. The definition is in full conformity with that set forth in the Convention.

31. These articles are without prejudice to the application of any other international instrument or national law that may contain broader provisions.

32. As mentioned above, Angola is a State party to several regional and international conventions that include provisions against torture.

Article 2

Measures to prevent torture

33. The Angolan State has strived to prevent and mitigate acts of torture and other cruel, inhuman or degrading treatment or punishment throughout the territory under its jurisdiction, in accordance with the Constitution, domestic laws and the Convention, adopting legislative, policy, administrative and judicial measures for this purpose.

34. The Constitution sets out basic principles to promote and defend fundamental rights and freedoms.

35. Article 30 of the Constitution enshrines the right to life. Article 59 prohibits the death penalty. By way of illustration of the importance that the State attaches to life and the respect that this fundamental right deserves, in 2019 Angola ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (National Assembly Resolution No. 37/19 of 9 July 2019).

36. The State is responsible for protecting and upholding the right to life. This principle is reinforced by articles 147 to 160 of the Criminal Code, which concern crimes against life

and physical and psychological integrity. Persons who threaten or endanger human life are held responsible and punished.

37. In the same vein, article 31 of the Constitution recognizes the inviolability of the emotional, intellectual and physical integrity of the person and the State's responsibility for protecting the dignity, health and physical and mental well-being of its citizens. No person may be subjected to torture or other cruel, inhuman or degrading treatment or the death penalty (Constitution, arts. 60 and 5).

38. The Constitution, the Criminal Code and the Prison System Act prohibit the imposition of custodial sentences and security measures of a perpetual nature or unlimited or indefinite duration that might serve as a means to subject convicted persons to torture or cruel, degrading or inhuman treatment (Constitution, art. 66 and Criminal Code, art. 41).

39. The basis for this prohibition is that sentences and security measures must protect the legal rights essential to community subsistence and the social reintegration of offenders.

40. As mentioned above, article 370 of the Criminal Code contains provisions on the offence of torture and cruel, inhuman and degrading treatment. Persons who commit such acts are subject to the penalties established by law.

41. Should the perpetrator of an offence use poison, fire, explosives, torture or cruel means or any other means that might be a threat to public safety, such use will be considered aggravating circumstances (Criminal Code, art. 71 (f)).

42. Article 44 of the Criminal Code stipulates that the minimum sentence for offences punishable by imprisonment is 3 months and the maximum sentence is 25 years. In cases of recidivism, concurrence of offences or sentence extension, the term of imprisonment must not exceed a maximum of 35 years.

43. Taking into consideration the nature of these offences, the manner in which they are committed and the aggravating circumstances that may apply, the State has sought to establish a legal system in which the punishment is proportionate to the gravity of the offence, avoiding excessively cruel sentences that violate human rights and providing the possibility of rehabilitation by giving offenders the opportunity to pay for their mistakes and eventually be reintegrated into society.

44. The Criminal Code punishes offences that are correlated with acts of torture and degrading treatment for fundamental reasons linked to human rights, dignity and justice, including: (a) homicide and aggravated homicide (art. 176); (b) hostage-taking (art. 177); (c) forced labour and slavery (art. 177); (d) trafficking in persons (art. 178); (e) kidnapping and abduction (arts. 174 and 175); (f) severe coercion (art. 172); (h) sexual abuse of a minor under the age of 14, child pornography and use of child prostitutes (arts. 197 and 198); and (i) sexual assault (art. 183).

45. In criminal proceedings, evidence should be established or obtained by any means not prohibited by law. Evidence obtained by harming a person's physical or psychological integrity is not admissible (Code of Criminal Procedure, art. 146).

46. An offence against the physical or psychological integrity of the person is deemed to have been committed when the evidence has been obtained, with or without consent, through torture, physical or psychological coercion, bodily harm, ill-treatment, hypnosis, inducement of a twilight state or the administration or use of any means likely to eliminate, impair or disrupt the person's freedom, memory, will or capacity to evaluate or decide. Such offences are not eligible for amnesty or conditional release (Constitution, art. 61).

47. The General Act on the Organization and Operation of the National Police establishes the principles governing police conduct, notably those of legality, integrity, responsibility, courtesy and confidentiality. The National Police is governed by the regulations on the disciplinary regime applicable to its personnel adopted by Presidential Decree No. 38/13 of 19 February, which establish disciplinary penalties for various offences. The National Police is also subject to the Organic Statute of the National Police and the Military Offences Act. All of these instruments are in conformity with international standards such as the Code of Conduct for Law Enforcement Officials and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

48. Article 6 (2) (c) of the Prison System Act prohibits the torture of detainees in prisons by members of any branch of the National Police. Prisoners have a fundamental right not to be subjected to torture, ill-treatment or degrading measures.

49. In cases where torture is used, the affected persons have a constitutional right to bring civil and criminal proceedings against those responsible. Where torture is committed by an agent of the State, this is an aggravating factor that entails more severe penalties.

50. To ensure that all cases of excessive use of force by the security forces are immediately, impartially and effectively investigated, that the persons responsible are brought to justice and suitably punished and that the victims receive effective compensation, the above-mentioned disciplinary regulations provide that, whenever the conduct of an officer or member of the security forces constitutes an offence committed in the line of duty or against social harmony, an official notice should be issued, and should be forwarded to the Public Prosecution Service or the Military Prosecutor's Office so that criminal proceedings may be duly instituted.

51. Within the Criminal Investigation Service, the Department of Investigation and Complaints attached to the Attorney General's Office has a specific mandate to deal with cases involving improper conduct by officers of the National Police and others who, in the exercise of their duties, overstep the mark and violate citizens' lawful rights.

52. The Department of Investigation and Criminal Prosecution of the Attorney General's Office was established to investigate such excesses, especially when they are committed by high-ranking officials. The Department conducts investigations and pretrial proceedings and brings to court entities who enjoy special privileges (Act No. 22/92 of 14 August, art. 68 (1)).

53. Between 2016 and 2018, 30 per cent of cases in which officers were held accountable related to ill-treatment of or improper conduct towards citizens. Security forces personnel received the most sanctions, while the fire brigade received the fewest.

54. The National Police registered 7 cases in 2017, 186 cases in 2018 and 7 cases in 2019 in which implicated officers were subject to disciplinary and criminal sanctions, including prison sentences, resignation or dismissal, demotion, fines and written warnings.

55. In 2020, the coronavirus disease (COVID-19) pandemic caused a public health crisis. Like most countries affected by the pandemic, Angola declared a state of emergency and lockdown (Presidential Decree No. 81/20 of 25 March 2020) on the basis of articles 57 and 58 of the Constitution, the State of Emergency Act (No. 17/91 of 11 May 1991) and article 4 of the International Covenant on Civil and Political Rights, restricting the exercise of certain fundamental rights for 60 days. At the end of this period, a state of disaster was declared on the basis of Act No. 14/20 of 22 May 2020 amending the General Act on Civil Protection.

56. During the 60 days of the state of emergency, some instances of excessive use of force were recorded, all involving individual actions for which the perpetrators were held accountable. Of the 185 proceedings that were recorded, 157 consisted of investigations and 28 were disciplinary in nature. Of the latter, 10 were referred to the military judicial police and 9 to the Criminal Investigation Service of the Ministry of the Interior. All of these data were made public by the Ministry of the Interior once the state of emergency had ended. Some of the cases resulted from public complaints. It should be noted that, during this period, two members of the security forces were killed in the line of duty (a soldier in Luanda and a National Police officer in Zaire province).

57. In the event of alleged offences or excesses committed by members of the security forces, the Ministry of the Interior investigates the case and applies the corresponding disciplinary measures. This occurred, for example, in the cases of J.C. (Rocha Pinto) and L.P.D.M. (Hoji Ya Henda, Cazenga).

58. Another noteworthy case is that of C. and K., which was taken up by the Working Group on Enforced or Involuntary Disappearances and closed after verification of the court judgment and the award of compensation to the victims (the relatives).

59. In line with the National Human Rights Strategy, standard practice is to denounce perpetrators and hold them accountable.

60. With regard to training and awareness-raising for police officers, it should be noted that the subject of human rights forms part of the curriculum of the National Institute of Forensic Sciences, which is the training school of the National Police. Under a memorandum of cooperation signed in 2018 by the Ministry of Justice and Human Rights and the Ministry of the Interior/National Police, 18 train-the-trainer courses were organized between 2018 and 2023. These were attended by more than 1,200 officers who have already replicated the courses in the provinces, providing training to more than 3,000 members of the security forces. The use of force by security officers and the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines) were covered in the training sessions, which benefitted from the participation, as one of the trainers, of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa of the African Commission on Human and Peoples' Rights.

61. In addition, the Centre for Human Rights and Citizenship at the Faculty of Law of the Catholic University of Angola, in cooperation with the Prison Service and the Ministry of Justice and Human Rights, has delivered training for more than 250 Prison Service personnel, including training on the Robben Island Guidelines.

62. Local non-governmental organizations, in cooperation with public institutions, have also provided training on the subject.

63. Article 63 of the Constitution enshrines the rights of detainees and prisoners, while article 64 relates to deprivation of liberty and article 67 to guarantees in criminal proceedings. The Prison System Act builds upon these rights and guarantees. The aforementioned disciplinary regime for National Police personnel (Presidential Decree No. 38/14 of 19 February 2014) is also relevant in this area.

64. The Interim Measures in Criminal Proceedings Act (No. 25/15 of 18 September 2015) provides for non-custodial precautionary measures, including house arrest and bail subject to verification of identity and residence, where the accused remains at liberty but under supervision, so preventing increases in the prison population.

65. In 2022, the Amnesty Act was adopted, and a number of prisoners were pardoned. According to preliminary figures, more than 1,000 inmates were released from the various prisons. The position of due process judge was introduced in May 2023, and 160 such judges have since assumed their functions, holding initial hearings with the accused at all levels of the court system. In the most serious cases, these judges can order detention during the pretrial investigation phase of criminal proceedings.

66. To monitor and control the excessive use of pretrial detention, a commission has been set up to analyse its use on a case-by-case basis. It is chaired by the presiding judge of the Criminal Division of the Supreme Court and is composed of the Secretary of State for Human Rights and Citizenship, the Ombudsman and representatives of the Attorney General's Office, the Angolan Bar Association and the Prison Service.

67. The rate of prison overcrowding in Angola is 3 per cent. The prison system consists of 41 operational facilities with capacity for 20,972 inmates. All facilities have a women's wing. There is a prison for juveniles, a prison hospital and a prison psychiatric hospital. The prison system employs 23 physicians, including 15 general practitioners, 5 psychiatrists, 1 cardiologist, 1 traumatologist and 1 gynaecologist. It also has 3 nutritionists and 608 nurses. Psychological support is available to inmates.

68. The Prison Service has taken several measures to facilitate communication and interaction between the prison authorities, prisoners and their communities or families. Family members, religious entities and civil society organizations enjoy visiting rights, with communication taking place through lawyers and the Prison Service team. During the COVID-19 pandemic, a "virtual visiting room" was put in place to allow prisoners to communicate with their families and lawyers via the Internet.

69. As regards pretrial detention, the Angolan legal order is guided by the principle of proportionality, whereby restrictions on rights, freedoms and guarantees must be limited to those necessary to safeguard other constitutionally protected rights and interests of accused persons, detainees, defendants and prisoners, as expressly enshrined in articles 64, 66 and

67 (1) of the Constitution. Such restrictions must be proportionate to the gravity of the offence and the need for their application.

70. In criminal proceedings, pretrial detention has a duration of 3 years and is imposed when other precautionary measures, such as verification of identity and residence, bail, house arrest or the imposition of an obligation to report regularly to the authorities, an obligation to remain in or refrain from entering certain places or a prohibition on contacting certain persons or on leaving the country, are considered inadequate or insufficient, when the offence was premeditated and carries a maximum term of imprisonment of more than 3 years, and when there is strong evidence that the offence was committed by the accused (Code of Criminal Procedure, art. 27 (1)).

71. Pretrial detention must cease when, from the time of arrest: 12 months have elapsed and no charges have been brought; 1 year and 6 months have elapsed without the person being committed for trial; 2 years and 6 months have elapsed without a conviction in the first instance; or 4 years have elapsed without a conviction in a final judgment.

72. Pretrial detention is mandatory in cases of genocide, crimes against humanity, terrorism and the organization and financing of terrorism (Code of Criminal Procedure, art. 27 (3) and Act on Preventing and Combating Terrorism, art. 35).

73. Article 279 (4) of the Code of Criminal Procedure outlaws pretrial detention for the purpose of obtaining evidence that a person committed the crime of which he or she stands accused. This prohibition is predicated on constitutional legal principles such as the presumption of innocence and human rights standards and is designed to ensure that persons cannot be deprived of their liberty without due process of law and without sufficient evidence of their guilt, thus preventing arbitrary imprisonment and abuse of power.

74. All persons have the right to seek the remedy of habeas corpus before the competent court in the event of abuse of power in the form of unlawful imprisonment (Constitution, art. 68). This legal remedy allows persons deprived of their liberty to contest the legality of their imprisonment or detention before the courts.

75. Detainees and prisoners in Angola enjoy constitutionally protected rights based on the fact that, despite having committed offences, they remain human beings with inalienable rights (Constitution, art. 63).

76. At the time of their imprisonment or arrest, persons deprived of their liberty must be informed of the reasons therefor and of their rights, namely:

- (a) The right to be shown a warrant for their imprisonment or arrest issued by the competent authority in accordance with the law, except in cases of flagrante delicto;
- (b) The right to be informed of the place where they will be taken;
- (c) The right to inform their family and lawyer of their imprisonment or arrest and the place where they will be taken;
- (d) The right to choose a lawyer to assist them in police and judicial proceedings;
- (e) The right to consult a lawyer before making any statement;
- (f) The right to remain silent and not to make statements, or to do so only in the presence of a lawyer of their choice;
- (g) The right not to make confessions or self-incriminating statements;
- (h) The right to be brought before the competent judge for confirmation of whether they will be imprisoned, tried within the legally established time limit or released;
- (i) The right to communicate in a language they understand or through an interpreter.

77. Under article 6 of the Prison System Act, prisoners enjoy duly protected rights, including: (a) the right to respect for human dignity and to the full development of their personality; (b) the right to life, health and bodily integrity; (c) the right not to be subjected to torture, ill-treatment or degrading measures; (d) the right to be remunerated for work done and to benefit from social protection; (e) the right to be protected against any kind of

discrimination; (f) the right to be free from slavery; and (g) the right to freedom of religion and access to culture.

78. In addition to these fundamental rights, the law guarantees the right of prisoners to communicate with persons outside the prison, especially spouses and relatives up to the third degree of kinship. Verbal, telephone and written communication in the original language must be guaranteed, respecting the legal conditions for the use of these rights (Prison System Act, arts. 31, 32, 34 and 35).

79. Special visits that contribute to the prisoner's treatment or social reintegration or are necessary for the resolution of personal, legal or economic matters, cannot be dealt with by letter or third parties and cannot be postponed until release are also authorized (Prison System Act, art. 36).

80. Visits by lawyers and public defenders to discuss legal matters are also permitted (Prison System Act, art. 44).

81. By law, prison conditions must ensure the well-being of prisoners and the formation and development of capacities through activities that should give them the means necessary to support themselves and their families, thus facilitating their social reintegration. Medical support, healthcare and medicines, social assistance, compulsory schooling, employment assistance, training and skills development and pastoral care are guaranteed (Prison System Act, arts. 54 ff.).

82. The State respects the principles of justice, equality and human dignity irrespective of the legal status of detainees. The authorities and the justice system are committed to respecting and protecting the human rights of persons in custody.

83. The Angolan legal order includes legal and administrative measures to ensure that torture is not committed as a result of a state of war or threat of war, internal political instability or any other public emergency.

84. Article 57 of the Constitution establishes the conditions under which rights, freedoms and guarantees may be restricted:

(a) Legislation may restrict rights, freedoms and guarantees only in the cases expressly provided for in the Constitution, and such restrictions must be limited to those strictly necessary, proportionate and reasonable in a free and democratic society to safeguard other constitutionally protected rights or interests;

(b) Legislation restricting rights, freedoms and guarantees must be of a general and abstract nature and may not have retroactive effect or reduce the extent or scope of the essential content of constitutional principles.

85. Article 58 (1) of the Constitution stipulates that rights, freedoms and guarantees may be limited only in the event of a state of war, state of siege or state of emergency and in response to specific crises such as armed conflicts, natural disasters and serious disruption and other legally defined emergencies.

86. A state of war, state of siege or state of emergency may be declared in all or part of the national territory only in the event of actual or imminent attack by foreign forces, serious threat to or disruption of the democratic constitutional order or public disaster (Constitution, art. 58 (2)).

87. In any of these states of exception, restrictions on rights, freedoms and guarantees must be limited to those necessary, proportionate and reasonable to safeguard other constitutionally protected rights and interests. Restrictions must be of a general and abstract nature, without retroactive effect, and must not reduce the extent or scope of the essential content of constitutional principles (Constitution, art. 57).

88. The purpose of states of exception is to allow for appropriate and necessary actions to be taken to maintain public order and protect the general interest in accordance with the principle of proportionality, which limits such actions to those strictly necessary to restore constitutional normality.

89. Notwithstanding the requirement for an extraordinary response to abnormal circumstances, the Constitution establishes a set of guarantees intended to ensure that, even in situations where the rights and freedoms enshrined in law are restricted, the State and its officials refrain from suspending certain human rights and continue to give them full effect (Constitution, art. 58 (5)).

90. These guarantees include the prohibition of the death penalty, the prohibition of torture and degrading treatment, any particularly stringent rules applicable to heinous and violent crimes, the irreversibility of amnesties, the rights recognized to detainees and prisoners, the rules applicable to deprivation of liberty, the rules on the application of criminal law, the limits applicable to sentences and security measures, the safeguards applying in criminal proceedings, the remedies of habeas corpus and habeas data, the rules applicable to extradition and expulsion, the right of asylum, the right to a fair trial, the right to submit petitions, claims and complaints, the right to take legal action in the public interest and the rules on the responsibility of the State and other public entities.

91. In 2020, after the World Health Organization declared the outbreak of the global COVID-19 pandemic, Angola was forced to declare a state of emergency for the first time in its history in order to contain and manage the disease and reduce the risk of its spreading.

92. The declaration of the state of emergency, by means of Presidential Decree of 26 March 2020, led to certain fundamental rights, including the right to freedom of movement, being restricted. However, the safeguard providing for the non-suspension of other fundamental rights, such as the rights to life, personal integrity, personal identity and citizenship, was respected.

93. Genocide and crimes against humanity are serious forms of human rights violations in which acts of torture, degrading treatment and other deplorable forms of abuse are used as a tool for controlling, intimidating and punishing the affected population.

94. The State of Angola aims to hold the perpetrators of such crimes accountable, through legal proceedings in the national courts, as a way of delivering justice for the victims and preventing future atrocities. These crimes are not subject to a statute of limitations.

95. Regarding the possibility of invoking an order from a superior officer or a public authority as a justification for torture, article 30 (2) of the Criminal Code provides that the duty to obey an order given to a subordinate by a superior ceases to apply if carrying out the order would involve the commission of an offence. In other words, should a superior officer order the commission of an act of torture, since torture constitutes a criminal offence, the subordinate may refuse to comply with the order.

Article 3

Expulsion, return and extradition

96. Ensuring that extradition does not result in human rights violations, and particularly torture, is a complex challenge that many States have faced in their quest for justice, fairness and dignity for all persons involved, Angola being no exception. National law does not allow for the extradition of Angolan nationals.

97. The Constitution prohibits the extradition of foreign nationals for political reasons or for offences punishable by the death penalty and where there are grounds to believe that the person might be subjected to torture, inhuman or cruel treatment or irreversible injury to his or her physical integrity, according to the law of the requesting State (art. 70 (2)).

98. All foreign nationals and stateless persons enjoy fundamental rights, freedoms and safeguards and the protection of the State, including the right not to be expelled or extradited, except in those cases provided for by law (Constitution, art. 25, and Act No. 13/19 of 23 May on the Legal Framework for Foreign Nationals in Angola, art. 12 (d)).

99. In Angola, expulsion is carried out with the intention of returning the foreign national to his or her country of origin or habitual residence. In respect of refugees, the most favourable treatment under the law or international agreements to which Angola is a party is always applied, in accordance with the principle of non-refoulement.

100. With due account for the international agreements and conventions to which Angola is a party, a foreign national may also be subjected to judicial expulsion from the national territory if he or she, *inter alia*:

- (a) Poses a threat to national security or public order;
- (b) Improperly interferes with the exercise of political rights reserved for nationals;
- (c) Seriously or repeatedly contravenes national law.

101. Expulsion and extradition cases in Angola follow a summary procedure, are handled as a matter of urgency and are given priority over other legal matters (Act No. 13/19 23 May, art. 43, and Constitution, art. 435).

102. Judicial decisions ordering the expulsion of foreign nationals for the crime of torture and other cruel, inhuman or degrading treatment may be appealed under the terms of Act No. 13/19 of 23 May (art. 43) and the Code of Criminal Procedure (art. 435).

103. Foreign prisoners wishing to do so may inform their families or the consular authorities of their country of nationality of their incarceration by submitting a written request to the director of the prison facility (Prison System Act, art. 14).

104. In 2019, the State adopted Act No. 13/15 of 19 June on International Judicial Cooperation in Criminal Matters, thereby recognizing the free movement of persons, services and capital that has necessitated growing judicial cooperation between States, the advances achieved in telecommunications and communication technologies and the exchange of data on crimes committed by Angolans abroad and vice versa, and the greater mobility of citizens of various States. The Act addresses transnational crimes including drug trafficking, terrorism and money laundering, penalizes fugitive criminals, facilitates the collection of evidence and testimonies from other countries, prevents criminals from finding refuge in other countries, combats impunity, protects human rights, fosters international trust and streamlines legal processes.

105. The adoption of the Act on International Judicial Cooperation in Criminal Matters is one of the measures taken by the Angolan State to effectively combat transnational crime, ensure justice, protect human rights and promote cooperation between countries in criminal matters in an increasingly interconnected world.

106. In cases of extradition, the Act on International Judicial Cooperation in Criminal Matters allows States (both requesting and requested) to solicit the extradition of their nationals for purposes of criminal proceedings or complying with a custodial sentence or security measure imposed for a crime within the jurisdiction of their courts.

Figure 1
Extradition data 2019–2023

Active extraditions carried out	2
Active extraditions under way	5
Passive extraditions carried out	3
Passive extraditions under way	7
Extradition requests pending documentation	5
Active extradition requests denied	1

Source: Attorney General's Office.

107. The Angolan authorities are committed to providing mutual judicial assistance in cases of torture. This assistance includes giving notification of procedural acts and other public acts admitted under Angolan law, when deemed necessary to achieve the goals of legal proceedings, and of acts necessary for the seizure and/or recovery of instruments used to commit offences, the proceeds of crime, laundered assets, funds suspected or known to be used for criminal purposes and any equivalent assets that may be seized (Act on International Judicial Cooperation in Criminal Matters, art. 141).

108. Article 141 (2) of Act No. 13/15 of 19 June on International Judicial Cooperation in Criminal Matters establishes the different types of assistance that may be provided between requesting and requested States:

- (a) Notification of the issue of documents;
- (b) Sharing of evidence;
- (c) Conduct of inspections, searches, seizures, examinations and expert analyses;
- (d) Notification and hearing of suspects, defendants, witnesses and experts;
- (e) Transfer of persons;
- (f) Sharing of information on Angolan or foreign law and information related to the criminal records of suspects, defendants and convicted persons.

109. In the area of judicial assistance, the direct communication of simple information related to criminal matters between Angolan and foreign authorities acting as auxiliaries to judicial authorities is also possible, with the authorization of the head of the executive branch or in accordance with the agreements, treaties or conventions to which Angola is a party (Act on International Judicial Cooperation in Criminal Matters, art. 141 (4)).

110. The head of the executive branch may also authorize members of foreign judicial authorities and criminal police bodies to travel to Angola to participate in criminal investigation activities on Angolan territory, including by forming part of joint criminal investigation teams composed of national and foreign officials (Act on International Judicial Cooperation in Criminal Matters, art. 141 (5)).

111. Where not specifically regulated in the provisions of international agreements, treaties or conventions, the establishment of joint criminal investigation teams requires the authorization of the head of the executive branch (Act on International Judicial Cooperation in Criminal Matters, art. 141 (6)).

Figure 2

Bilateral extradition agreements

<i>Country/region</i>	<i>Description</i>	<i>Resolution No.</i>
Namibia	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	48/21 of 22 July
	Extradition treaty	49/21 of 22 July
China	Extradition treaty	7/11 of 17 March
Cuba	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	17/21 of 1 April
Zambia	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	34/12 of 23 August
	Extradition treaty	35/12 of 23 August
Rwanda	Extradition agreement	10/23 of 26 April
	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	9/23 of 26 April
Russia	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	37/07 of 10 December
	Extradition agreement	36/07 of 10 December

<i>Country/region</i>	<i>Description</i>	<i>Resolution No.</i>
Brazil	Agreement for the transfer of persons convicted and sentenced to serve custodial terms	29/11 of 24 November
	Extradition agreement	23/11 of 24 November

Source: Exchange Office of the Ministry of Justice and Human Rights.

Figure 3

Multilateral extradition agreements

<i>Region</i>	<i>Description</i>	<i>Resolution No.</i>
Community of Portuguese Language Countries	Convention on the transfer of convicts	27/10 of 6 September
	Extradition convention	13/22 of 7 April
Southern African Development Community	Extradition protocol	2/06 of 20 February

Source: Exchange Office of the Ministry of Justice and Human Rights.

Figure 4

Multilateral agreements on international judicial cooperation in criminal matters

<i>Region</i>	<i>Description</i>	<i>Resolution No.</i>
Community of Portuguese Language Countries	Convention on judicial assistance in criminal matters	25/10 of 6 September
Southern African Development Community	Protocol on judicial assistance in criminal matters	20/09 of 25 March

Source: Exchange Office of the Ministry of Justice and Human Rights.

Figure 5

Bilateral agreements on international judicial cooperation in criminal matters

<i>Country/region</i>	<i>Description</i>	<i>Resolution No.</i>
Namibia	Treaty on judicial assistance in criminal matters	280/20 of 26 October
	Memorandum of understanding on judicial cooperation between the Ministry of Justice and Human Rights of Angola and the Ministry of Justice of the Republic of Namibia	Signed on 4 April 2018
Cabo Verde	Additional protocol to the Legal Cooperation Agreement	08/98 of 10 June
China	Protocol on cooperation between the Ministry of Justice and Human Rights of Angola and the Ministry of Justice of the Republic of China	Signed on 25 March 2019

<i>Country/region</i>	<i>Description</i>	<i>Resolution No.</i>
Cuba	Agreement on judicial assistance in criminal matters	43/21 of 15 June
Portugal	Agreement on legal and judicial cooperation between the Republic of Angola and the Republic of Portugal	60/04 of 7 November
	Protocol on judicial cooperation between the Republic of Portugal and the Ministry of Justice and Human Rights of Angola	Signed on 18 October 2006
	Memorandum of judicial cooperation between the Republic of Portugal and the Ministry of Justice and Human Rights of Angola	Signed on 10 April 2007
	Protocol on cooperation between the Ministry of Justice and Human Rights and the Republic of Portugal (unification of the protocols signed on 12 May 2004 and 11 February 2013)	Signed on 23 November 2018
Zambia	Treaty on mutual judicial assistance in criminal matters	33/12 of 23 August
	Memorandum of understanding between the Government of the Republic of Zambia on behalf of the Ministry of Justice and the Government of the Republic of Angola	Signed on 11 January 2023
Rwanda	Agreement on mutual judicial assistance in criminal matters	8/23 of 26 April
Russian Federation	Treaty on mutual judicial assistance in criminal matters	21/19 of 3 April
	Protocol on cooperation between the Ministry of Justice of the Russian Federation and the Ministry of Justice and Human Rights of Angola	Signed on 4 April 2019
Brazil	Treaty on mutual judicial assistance in criminal matters	27/11 of 28 November
Morocco	Protocol on cooperation between the Ministry of Justice and Human Rights of Angola and the Ministry of Justice of the Kingdom of Morocco	Signed on 11 July 2023

Source: Exchange Office of the Ministry of Justice and Human Rights.

Article 4

Legislation to criminalize torture

112. Angola has enacted legislation criminalizing the commission and attempted commission of torture and other cruel, degrading and inhuman treatment, as detailed in this report.

113. This legislation is in line with international treaties and conventions prohibiting such practices, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

114. As explained above, the Angolan Criminal Code establishes the penalties that may be imposed on individuals responsible for the prevention, investigation and prosecution of offences of any nature, the instruction of the relevant proceedings, the enforcement of criminal sentences or punishments that have been legally imposed or the protection, custody or surveillance of persons deprived of liberty when such individuals commit acts of torture against persons in their care or any other persons or subject such persons to cruel, inhuman or degrading treatment in order to:

- (a) Obtain information or testimony from him or her or from a third person;
- (b) Punish the person for an act committed or allegedly committed by him or her or by a third party;
- (c) Intimidate him or her or a third party.

115. Agreements and judgments in which the foregoing provisions were applied include the following:

(a) Constitutional Court agreement/judgment No. 833/2023, in which the Court considered the appeal of a person against whom the Supreme Court had ruled in the first instance. The Constitutional Court upheld the sentence handed down to the defendant, K.N., an officer of the Criminal Investigation Service of Bengo, who had tortured a citizen to death. Compensation of 1 million kwanzas was awarded to the victim's family. In its judgment, the Court cited the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;

(b) Case No. 106/2020 heard before Benguela District Court of First Instance, in which officers stationed at Benguela Police Station No. 4 were convicted of assaulting a lawyer in the performance of his duties. This case provoked widespread condemnation by Angolan lawyers, who decried the arbitrary and aggressive actions of the officers. A protest march took place on 13 March 2020 and, after a meeting between the parties involved, an agreement to desist was reached;

(c) Cases No. 530/2016 and No. 15767 heard before Luanda County Court and respective appeal before the Supreme Court and the Constitutional Court, in which eight officers of the defence and security forces were accused of torture, enforced disappearance and the murder of two citizens, C. and K., in Luanda. In this case, the State awarded compensation to the victims' families and prison sentences were imposed. The same matter was considered by the Working Group on Enforced or Involuntary Disappearances (ref: 10003474 and 10003474) and was closed in 2019 after the State had submitted the requested reports;

(d) Case of 12 March 2019 heard before Luanda County Court, concerning a National Police officer who shot a female street trader, J.C.S, after an argument. The officer was sentenced to 16 years in prison and compensation of 5 million kwanzas was awarded to the family of the victim in January 2020. This case provoked widespread outrage and shock in Luanda;

(e) Case No. 289/2023 heard before Luanda Regional Military Court, in which the Court tried and convicted two National Police officers for a crime committed against a citizen in the Estalagem municipality of Luanda. They received prison sentences and were ordered to pay compensation in the amount of 10 million kwanzas to the family of the deceased;

(f) The Campo de la Muerte case, an investigation into criminal activity initiated by investigative journalist Rafael Marques de Morais, who posted on the communication portal Maka Angola reports about the alleged execution of 50 persons between April 2016 and November 2017 in the municipalities of Viana and Cacuaco, in Luanda province. Following a public outcry, the Attorney General's Office opened its own investigation. Three judges, one from the Military Prosecutor's Office and two from the Attorney General's Office, were appointed to coordinate the investigation with the support of an expert team. During the ensuing proceedings, the complainant, relatives of the alleged victims and the police officers involved gave testimony. Subsequently, criminal prosecution proceedings were opened against some officers in Cacuaco and Viana, while other cases were referred for further investigation and/or closed for lack of evidence (including death certificates);

(g) Case No. 10515/17, the thirteenth case arising from the aforementioned Campo de la Muerte report, concerning the victim R.A. In this case, which concerned events that occurred in Viana, a municipality of Luanda, in 2017, a young man was shot by unknown assailants. An investigation failed to identify the perpetrators of the crime and the investigators concluded that the perpetrators must have been criminals, rather than officers of the Criminal Investigation Service, since no perpetrators fitting the description given by the complainants had been identified;

(h) The trial of the former Provincial Commander of the Luanda Police, J.V.R., and 20 other police officers before the Supreme Military Court. All were charged with assault of a subordinate and breach of trust leading to the death of two police officers in 2009. The trial resulted in 13 officers being acquitted and 8 being sentenced to 15 years in prison;

(i) The Frescura case, the trial before Luanda Provincial Court of seven National Police officers who shot eight young people between the ages of 19 and 23 years in the Sambizanga neighbourhood of Luanda in July 2008. The officers were sentenced to 24 years in prison and ordered to pay compensation in the amount of 1.5 million kwanzas to the families of the victims;

(j) The case of I.M., who died during a demonstration in Luanda in November 2020. The victim's family alleged that he had been executed by the police, but an investigation carried out by the Attorney General's Office and an autopsy indicated that the cause of death was cranioencephalic trauma from a fractured skull caused by physical assault with a blunt object. The family launched criminal proceedings that remain open because of a lack of evidence.

116. By criminalizing all acts of torture and other cruel, degrading and inhuman treatment, the State of Angola aims to ensure:

(a) Protection of human rights: the effective criminalization of such acts demonstrates the State's commitment to protecting the human rights of its citizens and respecting its international obligations;

(b) Accountability: by establishing penalties for these crimes, the State ensuring that perpetrators are held accountable for their actions, promoting justice and providing reparation for victims;

(c) International compliance: criminalization reflects compliance with international obligations and helps to maintain the State's positive reputation in the international arena;

(d) Public confidence: the existence of laws prohibiting torture and cruel treatment strengthens public confidence in State institutions and the justice system, ensuring equality before the law;

(e) Social values: criminalization demonstrates that prevailing ethical and moral values within Angolan society are opposed to inhumane practices and favour respect for human dignity.

117. The Government of Angola aims to hold to account all individuals, including military personnel, police officers and other law enforcement personnel, who commit crimes involving torture or other cruel, degrading and inhuman treatment or punishment.

118. According to the Constitution, the Angolan armed forces are a permanent, regular, non-partisan national military institution responsible for the military defence of the country. They are structured in a hierarchical manner and founded on the principles of discipline and obedience to the competent sovereign institutions, the supreme authority of the President and Commander-in-Chief under the Constitution and compliance with the international conventions to which Angola is a party.

119. Military Offences Act No. 04/94 of 28 January 1994 establishes harsh penalties for acts of torture and ill-treatment.

120. Article 26 of the Military Offences Act provides that military personnel who arrest or order the arrest of a subordinate in circumstances falling outside those envisaged and beyond the limits prescribed by law and regulations will be punished by imprisonment.

121. Article 28 of the Military Offences Act establishes that military personnel who abuse their powers will be held to account, providing for the punishment of officers who repeatedly or for personal reasons perform functions that are not their responsibility or exceed the authority of their position, provided that such actions do not constitute a more serious offence, in which the penalty applied is imprisonment. The purpose of these provisions is to ensure that the military performs its duties within the limits of the law.

122. Aggravating circumstances apply to military offences when:

- (a) military misconduct is involved;
- (b) the crime is committed in wartime or during military operations;
- (c) the crime is committed during an act of service, owing to service obligations or in the presence of assembled troops;
- (d) the offender is a military chief and the act is related to the exercise of his or her functions;
- (e) the crime is committed in the presence of a superior;
- (f) the offender flees his or her escort or the premises where he or she was imprisoned in the course of the proceedings;
- (g) multiple offenders, including persons of higher rank or seniority within the same rank, are involved;
- (h) the offending conduct persists even though a personal warning to obey a superior has been issued.

123. The National Police, as the institution responsible for providing police protection throughout the country, acts in strict compliance with the Constitution in carrying out its functions and is required to safeguard and protect human rights, operate within the limits of the law and respect the international conventions to which Angola is a party.

124. On 20 March 2020, the General Act on the Organization and Operation of the National Police containing the new Statute of the National Police came into force, providing an updated and comprehensive legal framework for its organization and operation.

125. The aim of the new Statute is to modernize and strengthen the National Police by establishing clear guidelines and defining the responsibilities of members. Specific objectives of the new Statute include the establishment of principles to guide police conduct, and of the ethical and professional standards to be respected by police officers in the performance of their duties, the primary aim being to promote justice and the fundamental rights of citizens.

126. The principles set forth in the Statute include:

- (a) Legality: police actions must be based on in-force legislation and the principles of the rule of law, meaning that officers must act within the limits of the law and with respect for the individual rights and freedoms of citizens;
- (b) Proportionality of necessity and appropriateness: police officers must act in a proportionate manner, meaning that their response must be appropriate to the gravity of the situation. Accordingly, use of force by the police must be appropriate to the threat faced and excessive use of force is prohibited;
- (c) Impartiality and neutrality: police officers must act impartially and treat all individuals as equal before the law. This means that they may not discriminate on the basis of race, ethnicity, religion, gender, sexual orientation or any other discriminatory criteria;
- (d) Efficacy, efficiency and limits on the use of coercive means: police officers may use coercive means such as physical force or recourse to weapons only when strictly necessary and must prioritize non-violent practices wherever possible. Coercive means must be used with moderation and respect for the principles of proportionality and legality.

127. The Police Statute thus regulates the use of weapons and coercive means, defining the circumstances in which their use is permitted and the procedures and limits to be respected

in order to prevent abuse and torture and other cruel, inhuman and degrading treatment or punishment.

128. The conduct of Angolan police officers is regulated by Act No. 7/90 of 20 February enacting the Disciplinary Regulations of the Public Security Police.

129. The Government of Angola is responsible for promoting the application of the law and ensuring that police forces act fairly and ethically, within the limits of the law. To ensure the proper conduct of National Police officers, the Government has taken the following measures:

(a) Professional development programmes and training: the Government has invested in the ongoing professional development of National Police officers with the aim of improving their skills and knowledge in areas including human rights, professional ethics and proper conduct. For example:

(i) In 2022, the Directorate for Patriotic Education of the National Police organized comprehensive training in human rights for police officers in Luanda, in partnership with the Centre for Human Rights and Citizenship of the Faculty of Law of the Catholic University of Angola;

(ii) In 2022, in Malanje province, National Police officers received training on human rights as part of preparations for the general election;

(iii) In 2022, the authorities organized a second edition of the national defence and public security course, a programme designed to foster information-sharing, reflection and debate on topics of national and international interest and thus promote understanding of matters related to national defence and public security;

(iv) In 2023, the National Police of Angola and the Ministry of Justice and Human Rights redefined strategies for the promotion of human rights with a view to strengthening the fight against trafficking in persons, identifying actions to be undertaken jointly with civil society and improving mechanisms for the production of programme content, whether for inclusion in staff training or the production of teaching materials, thereby providing guidance for all aspects of the National Police's work;

(b) Holding officers accountable for crimes: to punish and prevent abuse of power and acts of torture, among others, the State of Angola holds officers who engage in improper or illegal conduct civilly, disciplinarily and criminally accountable. One aim of investigations is to hold officers who commit any type of human rights violation to account. For example:

(i) In 2021, two members of the Lunda-Norte Municipal Unit of the National Police were expelled for inappropriate conduct. The former officers physically assaulted a detainee and desecrated a corpse during the invasion of a police station in the municipality of Cafunfo by members of the self-declared Lunda Tchokwe Protectorate Movement. These acts constitute serious disciplinary offences under the Disciplinary Regulations for National Police Personnel adopted by Presidential Decree No. 38/14 of 19 February;

(ii) In 2020, two trainee officers participating in the eighteenth basic course on public order were expelled from the police force for inappropriate conduct after being discovered intoxicated and causing disorder on the public highway. Their expulsion served as a warning against inappropriate conduct and to discourage any future unlawful behaviour within the force.

Article 5

Establishment of jurisdiction

130. As a sovereign and democratic State based on the rule of law, Angola has its own criminal jurisdiction. Criminal courts and their judges may, without prejudice to the special criminal jurisdiction granted to the military courts, hear criminal cases and impose penalties and security measures (Code of Criminal Procedure, art. 9).

131. The Angolan courts exercise jurisdiction over the whole of the national territory, including Angolan ships and Angola-registered ships.

132. The judiciary is independent and the courts are empowered to administer justice in the name of the people, subject only to the Constitution and the law (Constitution, art. 175). Justice is administered at three levels: higher courts, courts of appeal and district courts.

133. In the exercise of their functions, the courts are independent and impartial and are subject only to the Constitution and the law. In accordance with the Constitution, the Organic Act on the Organization and Operation of the Courts of Ordinary Jurisdiction provides for the autonomy of the courts and is designed to safeguard the independence of the judiciary, in keeping with the principle of separation of powers.

134. In 2019, the Ministry of Justice and Human Rights transferred the management of the courts of ordinary jurisdiction – the only courts that remained under the budget of the executive branch – to the High Council of the Judiciary. The budget of the higher courts was not managed under the executive branch.

135. The judicial and legal reform process is continuing, with work under way to identify and propose legislation that will make the justice system more efficient and develop proposals that will strengthen the independence of the judiciary while also contributing significantly to the fight against corruption. The reform process involves judges, public prosecutors, representatives of the Ministry of Justice and Human Rights, lawyers, jurists and academics.

136. In recent years, significant progress has been made in terms of legislative output, in particular with the adoption and publication of the new Criminal Code, the Code of Criminal Procedure and other legal instruments. The Code of Criminal Procedure harmonizes the country's criminal laws with international human rights standards.

137. As part of the aforementioned judicial and legal reform process, Act No. 29/22 of 2 August 2022, which establishes principles and rules for the organization and operation of the courts of ordinary jurisdiction, and the Courts of Appeal Act were adopted, and the statutes of judges and prosecutors have been reviewed.

138. The Government continues to work to make the administration of justice prompt, more effective and within easy reach of citizens, without discrimination, expanding the court system so that justice is more accessible in geographical terms and the country's judicial and administrative divisions for the most part coincide.

139. In this context, the following results have been achieved:

(a) Thirty-seven district courts have been established to replace provincial and municipal courts;

(b) Three courts of appeal or of second instance have been established (one in Luanda, one in Benguela and one in Huíla) to relieve the pressure on the system, reduce the number of pending cases and meet demand effectively in rural areas;

(c) The Division of Commerce and Intellectual and Industrial Property is now operational and is competent to prepare and bring proceedings related to insolvency, business recovery, declarations of non-existence, nullity and annulment of corporate contracts, and the exercise of corporate rights, copyright and industrial property rights;

(d) There has been an increase in the number of judges (656 in May 2023, of whom 38 per cent were women) and public prosecutors (620, of whom 42 per cent were women) and also in the number of lawyers registered with the Bar Association and trainee lawyers (10,234, of whom 35 per cent were women).

140. Under Organic Act No. 25/1 of 23 September on the Military Courts, the military courts have specialized competence to administer military criminal justice in accordance with the Constitution. They are independent and impartial and are subject only to the Constitution and the law. Their purpose is to ensure the observance of the Constitution and the law, defend military legal order and discipline and ensure the regular operation of military institutions.

141. The military courts include the Supreme Military Court and 18 regional military courts, one in each province.

142. Amnesty laws are not applicable to certain crimes. Commutation of sentence, pardon and amnesty are measures of clemency granted by the President of the Republic within the scope of his constitutional prerogatives as Head of State, as set forth expressly under article 119 (n) of the Constitution, and on the basis of the extraordinary privileges that give rise to extinction of criminal responsibility. The application of such measures may entail the termination or reduction of the criminal penalty or its substitution for another (more lenient) sanction. Articles 138 and 139 of the Criminal Code describe the causes of extinction of criminal responsibility, and their respective effects. In addition, article 83 of the Prison System Act establishes prison benefits.

143. From a historical perspective, in Angola, since 1975, pardons and commutations of sentence have been given legal effect either through laws granting amnesty (Amnesty Acts) or through autonomous acts granting pardon or commutation of sentence at the initiative of the President.

144. Since independence, there have been several Amnesty Acts:

(a) Act No. 7/75 of 9 December 1975, which granted amnesty for all ordinary offences not punishable by medium-term imprisonment and minor offences punishable by a fine of up to \$2,000 committed before 11 November 1975;

(b) Executive Decree No. 19/78 of 1 October 1978, which established the rules to be observed in all criminal proceedings in which criminal responsibility is extinguished by virtue of Act No. 7/75 of 9 December 1975, which granted amnesty for various offences;

(c) Amnesty Act No. 4/81 of 19 August 1981, which covered various military and ordinary offences, including all ordinary offences carrying a correctional penalty and minor offences, committed before 10 December 1980;

(d) Amnesty Act No. 17/88 of 24 December 1988, adopted in the context of a policy of clemency and national harmony and applied to offences committed on Angolan territory or abroad by Angolan citizens who, directly, indirectly or in an organized manner, promoted, incited or committed violence and subversion against the national unity and territorial integrity of the People's Republic of Angola;

(e) Act No. 1/90 of 3 February 1990, which extended for 12 months the deadline for persons to present themselves in order to benefit from the amnesty granted under article 5 of Amnesty Act No. 17/88 of 24 December 1988;

(f) Amnesty Act No. 2/90 of 3 February 1990, covering all ordinary offences punishable by a correctional penalty and minor offences committed by military and non-military personnel up to that date, with the exception of violent offences resulting in death;

(g) Amnesty Act No. 3/90 of 3 February 1990, covering all offences against the security of the State punishable by a term of imprisonment not exceeding 12 years and committed before 4 February 1990;

(h) Order No. 5/91 of 5 January 1991, establishing an amnesty for all sports persons serving suspensions from sporting activity of up to 2 years, imposed under the regulations of national federations and provincial sports associations;

(i) Amnesty Act No. 24/91 of 12 July 1991, which granted amnesty for all offences against the internal security of the State and all other related offences committed up to 31 May 1991; all military offences, except violent offences resulting in death, committed up to the same date; and all offences punishable by a correctional penalty and minor offences committed by military and non-military personnel, up to the same date;

(j) Amnesty Act No. 18/94 of 10 November 1994, relating to all offences against the internal security of the State and all other related offences committed by citizens in the context of the post-electoral military conflict;

(k) Amnesty Act No. 11/96 of 9 May 1996, covering all offences against the internal security of the State and all other related offences committed by citizens in the context of the Angolan military conflict, from 31 May 1991 until the date of adoption of the Act, and all military offences committed during the same period;

(l) Amnesty Act No. 7/00 of 15 December 2000, which covered all offences against the security of the State committed in the context of the Angolan armed conflict prior to the entry into force of the Act, provided that the perpetrators voluntarily presented themselves to the authorities within 90 days following the entry into force of the Act and agreed to their social reintegration;

(m) Amnesty Act No. 11/16 of 12 August 2016, which granted amnesty for all offences punishable by up to 12 years' imprisonment committed by Angolans or foreign nationals before 11 November 2015, and all military offences committed up to the same date, except premeditated offences committed with violence that resulted in death and all offences of trafficking in narcotic drugs and psychotropic substances, trafficking in persons and human organs, rape, kidnapping or aiding illegal immigration, although perpetrators of offences not covered by the amnesty, including those with proceedings pending for offences committed up to 11 November 2015, had their sentences commuted by one quarter;

(n) Amnesty Act No. 35/22 of 23 December 2023, which granted amnesty for all ordinary offences punishable by up to 8 years' imprisonment committed by Angolans or foreign nationals in the period from 12 November 2015 to 11 November 2022, and military offences punishable by up to 8 years' imprisonment, except premeditated offences resulting in death or serious bodily injury. The Act commuted by one quarter the sentences of perpetrators of offences not covered by the amnesty who had been convicted in a final judgment or who had proceedings pending for offences that took place between 12 November 2015 and 11 November 2022, except premeditated offences resulting in death and sexual offences.

145. Two further laws were adopted in the context of peace and national reconciliation agreements:

(a) Amnesty Act No. 4/02 of 4 April 2002, covering all military offences and offences against the security of the State committed in the context of the Angolan armed conflict prior to the entry into force of the Act;

(b) Amnesty Act No. 11/06 of 29 November 2006, which granted amnesty for all offences against the security of the State and all other related offences committed by citizens in the context of the internal conflict in Cabinda province prior to the date of adoption of the Act.

Article 6

Exercise of jurisdiction

146. Foreign nationals legally residing or staying in Angola enjoy the same rights, freedoms and guarantees and are subject to the same duties as Angolan citizens, with the exception of political rights and other rights and duties expressly reserved by law for Angolan citizens (Constitution, art. 25 and Act on the Legal Regime for Foreign Nationals, art. 4).

147. In the event of an investigation concerning a foreign national present in Angola who is accused of committing or attempting to commit an act of torture, the proceedings would follow the order laid down in the Code of Criminal Procedure, since Angolan criminal law applies to acts committed in whole or in part on Angolan territory or on board ships or aircraft registered in Angola or flying the Angolan flag, irrespective of the nationality of the perpetrator, save where an international convention or treaty provides otherwise (Criminal Code, art. 5 and Code of Criminal Procedure, art. 5).

148. The application of precautionary and asset guarantee measures by public prosecutors or judges must be necessary and appropriate to the requirements of the specific case and commensurate with the gravity of the offence (Code of Criminal Procedure, art. 262).

149. If one or more persons present in Angolan territory is accused of committing the offence foreseen under article 4 of the Convention, the authorities may apply precautionary measures in the event of flight or flight risk or if they perceive a clear risk of interference in the investigative process, and specifically the collection, preservation and integrity of evidence, or, depending on the nature and circumstances of the offence and the character of the accused, a risk that he or she will continue to engage in the criminal activity or will seriously disrupt public order or peace.

150. In the case of offences of trafficking in persons and forgery, the immigration authorities are responsible for conducting the investigative proceedings under the direction of the competent judicial authority, without prejudice to the powers of other entities (Act on the Legal Regime for Foreign Nationals, art. 112).

151. Under Angolan law, the investigative process demands a systematic approach in which evidence is gathered, witnesses are heard and relevant analyses are carried out in order to reach a conclusion based on the truth of the facts.

152. Persons accused of committing an offence of torture and other cruel or degrading treatment or punishment are detained when there is strong evidence that they have engaged in such practices.

153. As the offence of torture and other cruel, inhuman or degrading treatment or punishment carries a penalty of deprivation of liberty, any person who may have committed the offence should be accorded the status of formal suspect in the proceedings.

154. Precautionary measures may be applied if the person has been named as a formal suspect and if, after verification of identity and residence, there is strong evidence that he or she has committed an offence punishable by more than 1 year's imprisonment.

Article 7

Criminal proceedings

155. As torture is considered a crime under international law, the courts have the authority to try cases of torture that might occur on Angolan territory or involve Angolan citizens, in accordance with national laws and international obligations.

156. Article 174 of the Constitution vests the courts with the power to administer justice in the name of the people, that is, to settle conflicts of public or private interests, ensure the defence of rights and interests protected by law and repress any violations of the democratic rule of law, based on accusatory and adversarial principles.

157. Article 9 of the Code of Criminal Procedure states that only the criminal courts and their judges may, without prejudice to the special criminal jurisdiction granted to the military courts, hear criminal cases and impose penalties and security measures.

158. As a State party to the Convention, Angola is required to prevent and punish torture in conformity with international standards.

159. Angola has systems and measures in place to ensure fair treatment of those accused of torture or other cruel, inhuman or degrading treatment at all stages of criminal proceedings (Constitution, art. 72).

160. The measures taken by Angola to ensure the fair treatment of alleged perpetrators of torture, at all stages of proceedings, include:

(a) Presumption of innocence: this is a fundamental principle, meaning that alleged offenders are considered innocent until their guilt is proven in court beyond reasonable doubt (Constitution, art. 67 (2));

(b) Access to a lawyer: persons accused of torture have the right of access to a lawyer to represent them at every stage of proceedings. This helps to ensure that their rights are protected and that they have the assistance necessary to understand the proceedings (Constitution, arts. 62 (d) and 67 (3) and Code of Criminal Procedure, art. 67 (f));

(c) Right to remain silent: persons accused of torture have the right to remain silent and cannot be forced to make statements that may incriminate them (Constitution, art. 62 (f) and Code of Criminal Procedure, art. 67 (d));

(d) Public trial: trials are conducted publicly, unless there are specific reasons for holding them in camera (Code of Criminal Procedure, arts. 96 and 364);

(e) Prohibition of torture and inhuman treatment: torture and inhuman treatment are strictly prohibited. Alleged offenders must be treated with dignity and respect (Constitution, art. 60 and Criminal Code, art. 370);

(f) Right of appeal: alleged offenders have the right to lodge appeals against judicial decisions with the higher courts (Constitution, art. 67 (6) and Code of Criminal Procedure, art. 460);

(g) Interpretation and translation: persons accused of torture who do not speak the language of the court have the right to interpretation and translation services to ensure that they fully understand the proceedings (Constitution, art. 63 (i) and Code of Criminal Procedure, art. 105);

(h) Clear legal proceedings: legal procedure in Angola is based on the principle of transparency and on predictability, ensuring that all parties understand what is happening throughout proceedings.

161. As mentioned above, officers of the National Police are not permitted to torture detainees in prisons, since article 6 (2) (c) of the Prison System Act enshrines the fundamental right of prisoners not to be subjected to torture, ill-treatment or degrading measures.

162. In cases where torture does occur, the victims have a constitutional right to bring civil and criminal proceedings against the perpetrators. If the perpetrators are agents of the State, this constitutes an aggravating circumstance that carries a more severe penalty.

163. To ensure that all cases of excessive use of force by the security forces are immediately, impartially and effectively investigated, that the persons responsible are brought to justice and suitably punished and that the victims receive effective compensation, the above-mentioned disciplinary regulations provide that, whenever the conduct of an officer or member of the security forces constitutes an offence committed in the line of duty or contrary to social harmony, an official notification is issued and forwarded to the Public Prosecution Service or the Military Prosecutor's Office so that criminal proceedings may be duly instituted.

164. Within the Criminal Investigation Service, the Department of Investigation and Complaints attached to the Attorney General's Office has a specific mandate to deal with cases involving improper conduct by officers of the National Police and others who, in the exercise of their duties, overstep the mark and thereby violate citizens' lawful rights.

165. The Department of Investigation and Criminal Prosecution of the Attorney General's Office was established to investigate such excesses, especially when they are committed by high-ranking officials. The Department conducts investigations and pretrial proceedings and brings to court entities who enjoy special privileges (Act No. 22/92 of 14 August, art. 68 (1)). See paragraphs 52 to 58 above.

Article 8

Extraditable offences

166. The Government considers torture and related offences extraditable if they are punishable under Angolan law and the law of the requesting State by a penalty or security measure involving deprivation of liberty for a maximum period of not less than three years (Act on International Judicial Cooperation in Criminal Matters, art. 32 (2)).

167. The extradition of foreign nationals is not conditional on the existence of a treaty or agreement.

168. Article 70 (2) of the Constitution sets out the grounds under which, in certain circumstances, extradition may be refused. Such grounds include: when the extradition is requested for political motives; when the request relates to charges which in the requesting State are punishable by the death penalty; and when there is reason to believe, in accordance with the law of the requesting State, that extradition may result in the torture or inhuman or cruel treatment of the person concerned or irreversible harm to his or her physical integrity.

169. Angola has ratified the following extradition treaties with other States parties to the Convention that consider torture an extraditable offence:

- (a) Convention on the Transfer of Sentenced Persons between the States Members of the Community of Portuguese Language Countries;
- (b) Convention on Extradition among the States Members of the Community of Portuguese Language Countries;
- (c) Southern African Development Community Protocol on Extradition;
- (d) Cooperation agreements between the Criminal Investigation Service and the Economic and Food Safety Authority.

170. On 15 April 2022, the Governments of Angola and Rwanda signed an extradition agreement within the framework of cooperation between the two States based on the principles of equality, sovereignty and territorial integrity.

Article 9

Mutual judicial assistance

171. The Angolan authorities are committed to providing mutual judicial assistance in cases of torture. This assistance includes giving notification of procedural acts and other public acts permitted under Angolan law, when deemed necessary to achieve the goals of the legal proceedings, and of the acts required for the seizure, freezing or recovery of instruments used to commit offences, the proceeds of crime, laundered assets, funds suspected or known to have been used for criminal purposes and any equivalent assets that may be seized (Act on International Judicial Cooperation in Criminal Matters, art. 141).

172. Article 141 (2) of the Act on International Judicial Cooperation in Criminal Matters sets out the different types of assistance that may be provided between requesting and requested States:

- (a) Notification of the issue of documents;
- (b) Sharing of evidence;
- (c) Conduct of inspections, searches, seizures, examinations and expert analyses;
- (d) Notification and hearing of suspects, formal suspects, witnesses and experts;
- (e) Transfer of persons;
- (f) Sharing of information on Angolan or foreign law and information related to the criminal records of suspects, formal suspects and convicted persons.

173. Direct communication of simple information related to criminal matters between Angolan and foreign authorities acting as auxiliaries to the judicial authorities is also possible with the authorization of the head of the executive branch or in accordance with agreements, treaties or conventions to which Angola is a party (Act on International Judicial Cooperation in Criminal Matters, art. 141 (4)).

174. The head of the executive branch may also authorize members of foreign judicial authorities and criminal police bodies to travel to Angola to participate in criminal investigation activities on Angolan territory, including by forming part of joint criminal investigation teams composed of Angolan and foreign officials (Act on International Judicial Cooperation in Criminal Matters, art. 141 (5)).

175. Where not specifically regulated in the provisions of international agreements, treaties or conventions, the establishment of joint criminal investigation teams requires the authorization of the head of the executive branch (Act on International Judicial Cooperation in Criminal Matters, art. 141 (6)).

Article 10

Information and data

176. The National Statistics Institute of Angola conducted a general census in 2014. Other specific surveys carried out include:

- (a) Multiple health indicator survey (2015/16);
- (b) Survey of expenditure, income and employment in Angola (2018/19);
- (c) Quarterly employment surveys, since 2019, and an agricultural and fisheries census;
- (d) Business census;
- (e) Multidimensional poverty index for Angola;
- (f) Child poverty survey;
- (g) Pilot census in 2023 and general census in July–August 2024 (after a period of 10 years, in line with international standards).

177. Several institutions have been designated as delegated entities of the National Statistics Institute, that is, statistical bodies that collect sectoral information for national statistics purposes.

178. The National Human Rights Strategy envisages the establishment of national human rights indicators and, with 80 per cent of the measures envisaged in the related action plan implemented, these are already in place.

179. Angola has a system for the registration of cases of torture, with a unique number being assigned to each case.

Article 11

Custody and treatment of detainees and prisoners

180. The State has made every possible effort to ensure the consistent application, throughout the country, of standards relating to the prevention of torture and other cruel, inhuman or degrading treatment or punishment of detainees and prisoners.

181. In accordance with its obligation to systematically monitor the application of rules and practices intended to prevent the torture or other cruel, inhuman or degrading treatment or punishment of detainees and prisoners, the State has adopted the following measures and practices:

- (a) Robust legislation and policies: the Government of Angola has developed and adopted laws, including the Criminal Code and the Prison System Act, that explicitly prohibit torture and clearly define what constitutes cruel, inhuman or degrading treatment;
- (b) Independent oversight: the State has established independent oversight bodies, such as the local human rights committees and the Ombudsman's Office, to monitor conditions of detention and investigate allegations of abuse. The State guarantees that these bodies have sufficient authority and resources to perform their functions;
- (c) Access to lawyers and doctors: the State guarantees that all persons have immediate access to a lawyer and, if necessary, to medical assistance.

182. The National Police has a set of instruments for the protection of persons in police custody that are in conformity with international standards such as the Code of Conduct for Law Enforcement Officials, the Body of Principles for the Protection of All Persons under

Any Form of Detention or Imprisonment, the Nelson Mandela Rules and the procedures for their effective implementation and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

183. In particular, Angola has the following instruments:

- (a) General Act on the Organization and Operation of the National Police (No. 6/20 of 24 March 2020);
- (b) Military Offences Act;
- (c) Regulations governing the disciplinary regime for National Police personnel (Presidential Decree No. 38/14 of 19 February 2014).

Article 12

Prompt and impartial investigation

184. The competent authorities conduct prompt and impartial investigations whenever there are indications that an offence of torture or other cruel, inhuman or degrading treatment or punishment has been committed within their jurisdiction. The authorities responsible for conducting these investigations are:

- (a) Attorney General's Office/Public Prosecution Service, the State body responsible for overseeing criminal investigations and pretrial proceedings, although they are carried out by other bodies;
- (b) Directorate for Criminal Investigations and Prosecutions, the State body responsible for initiating, investigating and managing cases and bringing prosecutions in criminal proceedings involving judges, members of the National Assembly and any officials appointed by the President;
- (c) Immigration and Foreign Nationals Service, the State body tasked with ensuring mutual cooperation between all bodies with responsibilities in the prevention and investigation of crime;
- (d) Criminal Investigation Service, the executive unit of the Ministry of the Interior responsible for implementing policies and legislative measures for investigating indications of criminal conduct, taking measures to prevent and eradicate crime, conducting preliminary proceedings in criminal prosecutions falling under its jurisdiction and carrying out arrests, inspections, searches, seizures and expert examinations and analyses, in accordance with the law.

185. The Secretary of State for Human Rights and Citizenship regularly visits the country's prisons and follows up on cases. The Fifth Committee of the National Assembly, namely the Human Rights Committee, also conducts visits and monitors cases.

186. The Office of the Angolan Ombudsman is compliant, in part, with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), especially the requirements regarding their independence from institutions of the executive branch. The Office was established by law enacted by the National Assembly, is constitutionally protected and is vested with autonomy. It is in the process of obtaining accreditation from the Global Alliance of National Human Rights Institutions.

187. As specified in article 192 of the Constitution of Angola, the Ombudsman's Office is an independent public institution whose purpose is to defend the fundamental rights, freedoms and guarantees enjoyed by citizens and ensure, through informal means, that the actions of the public administration are lawful and fair. The Ombudsman's work is independent of any non-judicial or judicial remedies provided for in the Constitution or other legislation. The Office has administrative and financial autonomy and operates from its own premises.

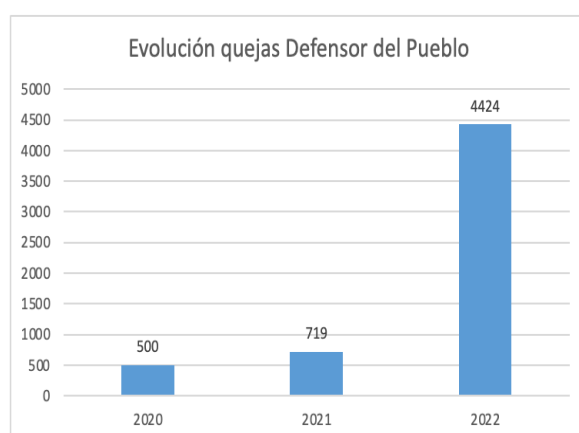
188. The Statute of the Ombudsman's Office (Act No. 2/20 of July 28) and the Organic Act on the Ombudsman's Office (No. 27/20 of July 20) have been revised and updated to

bring them into line with the Constitution and to clarify the Ombudsman's role in protecting and promoting the rights, including economic, social and cultural rights, freedoms and fundamental safeguards enjoyed by citizens. These revisions have allowed for the number of public servants working in the Ombudsman's Office to be increased by means of an open competitive examination, following which it will be possible to process petitions and complaints submitted to the Office more swiftly.

189. The Office has branches in 10 provinces. The operation of these provincial branches has brought the services available through the Ombudsman's Office closer to the people, enabling it to identify the problems affecting citizens in a more direct manner. In those provinces where the Ombudsman's Office does not have its own premises, it may provide services through the provincial branches of the Ministry of Justice and Human Rights, the Attorney General's Office or any other local institution that has a physical presence, always maintaining full autonomy.

Figure 6

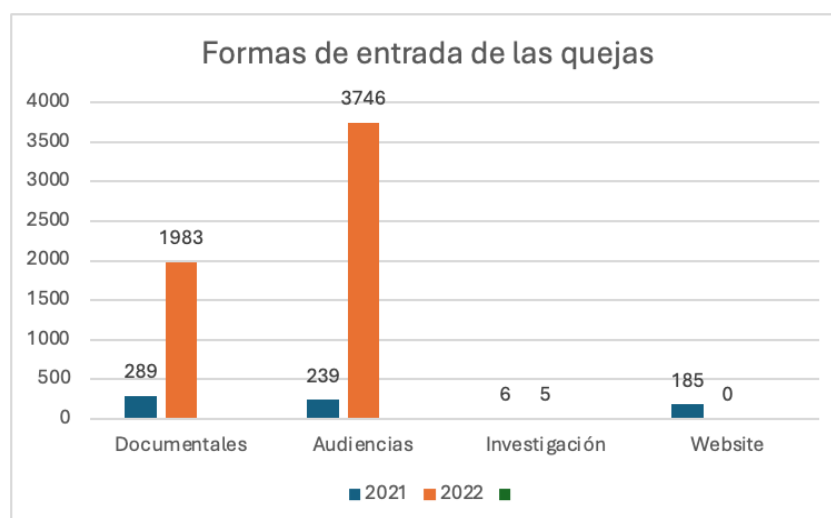
Complaints submitted to the Ombudsman's Office 2020–2022



Source: Ombudsman's Office.

Figure 7

Channel through which complaints are brought to the Ombudsman's attention



Source: Ombudsman's Office.

190. The Ombudsman of Angola is a member of the International Ombudsman Institute, where she serves as a member of the International Board of Directors and the Regional Board for Africa. She is also a member of the African Ombudsman and Mediators Association, where she served as president from 2010 to 2014, and of the network of ombudsmen and human rights defenders of the Community of Portuguese Language Countries, of which she

is the current president. She has participated in meetings of the ombudsmen and mediators of the Great Lakes region and of the Association of Commonwealth Ombudsmen.

191. The Ombudsman's Office is receiving support from the United Nations Development Programme for implementing various activities, aligning the Office's work with the Paris Principles and obtaining certification as a national human rights institution.

Article 13

Investigation by impartial authorities

192. Angola is a democratic State governed by the rule of law. Accordingly, any citizen who claims to have been subjected to or has witnessed acts of torture or cruel, inhuman or degrading treatment or punishment has the right to file a complaint and to have his or her case examined impartially and securely.

193. To safeguard victims and witnesses of such offences, the law allows them to submit complaints anonymously (Code of Criminal Procedure, art. 308 (7)), imposes restrictions on the disclosure of information and provides for access to legal counsel and police protection when needed to ensure security and cooperation.

194. The Act on the Protection of Victims, Witnesses and Cooperating Defendants in Criminal Proceedings (Act No. 1/20 of January 22) was adopted in 2020. Its purpose is to safeguard witnesses and cooperating defendants in criminal proceedings, according to their active and voluntary contribution to the gathering of evidence, so as to ensure that their life, physical and psychological integrity and property are not endangered and, in particular, to regulate measures to ensure the best possible conditions for obtaining statements from persons who are particularly vulnerable owing to their age, health status or weakened psychological and emotional state.

195. The measures referred to in the previous paragraph may also be applied to relatives of victims, witnesses and cooperating defendants and other persons close to them (Act on the Protection of Victims, Witnesses and Cooperating Defendants in Criminal Proceedings, art. 2).

196. Specific measures envisaged in the Act for obtaining statements from particularly vulnerable persons in the best possible conditions include: concealment of the victim, witness or cooperating defendant (art. 4); use of teleconferencing technology to take statements without the need for the victim, witness or cooperating defendant to be physically present (art. 5); and non-disclosure of identity (art. 13).

197. Provided that there are justified and lawful security grounds, and without prejudice to the other protection measures provided for in Act No. 1/20 of 22 January, victims, witnesses and cooperating defendants may benefit from specific security measures including: use, for purposes of the proceedings, of a place of domicile other than their usual place of residence; guaranteed transportation in an official vehicle for appearances in trial proceedings; guaranteed security in police and judicial facilities which they might be required to visit or where they might be permitted to remain, separate from other trial proceedings; police protection; and transfer of residence to or temporary accommodation in premises where protection can be provided more effectively (art. 19 (1)).

198. Defendants who have actively cooperated in the investigation and criminal proceedings and have contributed to the identification of co-perpetrators or other participants in the crime, to the victim being found alive or uninjured and to the objects and proceeds of the crime being fully or partly recovered, may, at the discretion of the judge or on the instruction of the prosecution, be granted the benefit of extraordinary mitigating circumstances in sentencing and/or confinement separate from other inmates. Cooperating defendants who remain at liberty may benefit from special security and protection measures where justified (Act No. 1/20 of January 22, art. 2).

Article 14

Compensation and rehabilitation

199. The right to compensation and rehabilitation in cases of torture and other cruel, inhuman or degrading treatment or punishment has a key role in protecting victims, preventing crime and holding perpetrators accountable.

200. The right is enshrined in article 75 of the Criminal Code and article 75 of the Code of Criminal Procedure, which are intended to ensure that victims of criminal acts are fully compensated for any injury they suffer.

201. Article 75 of the Constitution establishes that the State and other public bodies may be held accountable and civilly liable for the actions or omissions of institutions, holders of public office, State officials and public servants committed in the exercise of legislative, judicial or administrative functions and for actions or omissions related to these functions.

202. This means that individuals or public entities that violate the rights, freedoms and safeguards of a person or cause injury to third parties, the State or public bodies may be held civilly liable for such acts.

203. Additionally, national legislation guarantees that, by law, the perpetrators of such actions or omissions will incur criminal and disciplinary responsibility, meaning that, in addition to the civil liability of the State and public bodies, individuals involved in such actions or omissions may face legal and disciplinary consequences for their conduct (Criminal Code, art. 370).

204. Relevant damages and/or compensation were awarded in some of the cases detailed in paragraph 115.

Article 15

Statements obtained through torture

205. The Angolan legal system prohibits the use of force, torture and other cruel, inhuman or degrading treatment to obtain confessions or statements (article 146 (2) and (3) (a) and (c) of the Code of Criminal Procedure).

206. So as to guarantee protection for fundamental individual rights and the conduct of a fair trial, any evidence obtained through torture or inhuman treatment will not be admitted in any proceedings (article 146 (2) of the Code of Criminal Procedure).

207. Persons who use acts of torture to obtain confessions are criminally liable under the terms of article 370 of the Criminal Code.

208. Under the terms of article 155 of the Code of Criminal Procedure, indirect testimonies are admissible, provided that the witness is willing to disclose the source through which he or he learned of the information in his or her statement.

Article 16

Prohibition of other acts constituting torture

209. Acts of torture and other cruel, inhuman or degrading treatment or punishment are expressly prohibited under the terms of the Constitution and other national legislation, which render all persons who engage in such practices criminally liable, as explained in this report.

210. To ensure respect for human rights, it is essential that acts of torture and other cruel, inhuman or degrading treatment or punishment are prevented. To prevent such acts, the Government of Angola has adopted the following measures:

(a) Robust legislation: the Government has adopted clear laws that prohibit torture and cruel, inhuman or degrading treatment and has ensured that these laws are in conformity with international human rights standards;

(b) Training and awareness-raising: the authorities run regular training on human rights standards, with a focus on the prohibition of torture and inhuman treatment, for law enforcement officers and military and security personnel;

(c) Complaint mechanisms: the Government has established safe and confidential mechanisms for receiving complaints of torture or abuse, thus ensuring protection against possible reprisals for complainants;

(d) Access to lawyers: the Government ensures that detainees have access to lawyers from the outset of detention and that they are informed of their legal rights;

(e) Regular visits: detainees have the right to receive regular visits from family members and legal representatives so as to ensure that they are not isolated or held incommunicado;

(f) Investigation and accountability: the Government ensures that any allegations of torture are investigated impartially and that the persons responsible are brought to justice and duly punished;

(g) Human rights education: the Government promotes human rights education for public officials, communities and schools so as to create a culture of respect for human rights;

(h) Transparency and accountability: the Government has made great efforts to maintain transparency in respect of its actions and ensure accountability for the prevention of abuse.

211. Preventing torture and inhuman treatment is essential to protecting the human rights and dignity of all persons. The purpose of the above measures is to create safeguards to ensure that no person, whatever their situation, is subjected to such abuse.

212. Work has been done to improve conditions in police custody centres and prison facilities in Angola and thus ensure compliance with Angolan legislation promoting respect for and the protection of human rights and outlawing degrading, inhuman and cruel treatment.

213. The Prison System Act establishes clear rules intended to guarantee decent conditions for inmates in detention centres, including work, vocational training and skills development opportunities, cells and facilities suitable for the provision of medical and medicinal support, healthcare, accommodation, hygiene, labour support, vocational training and skills development, security, compulsory schooling and religious support, among other services.

214. There are currently a large number of inmates in Angolan prison facilities. As of June 2023, according to data from the Prison Service, the 41 facilities operating in the country were holding a total 24,490 inmates, 11,937 of whom were pretrial detainees and 12,553 convicted prisoners. This number includes foreign nationals.

215. The Government has implemented a series of measures to improve prison conditions, including:

(a) Ensuring adequate infrastructure and facilities, building and maintaining prisons so that conditions of detention meet minimum hygiene, health and security standards besides providing adequate space for sleeping, eating, basic sanitation and recreation;

(b) Establishing juvenile resocialization centres in the provinces of Malanje, Cuanza Sul and Luanda to deal with cases involving minors in conflict with the law;

(c) In 2024, opening Cassosso Prison, in the municipality of Waku Kungo in Cuanza Sul province, with capacity to accommodate 650 inmates, which will allow for inmates to be transferred from the Sumbe and Amboim-Gabela facilities with a view to ending prison overcrowding;

(d) There are currently 10 prisons under construction in Angola, 4 of which are structurally complete and 2 at the fitting-out stage and due to open in the coming months;

(e) When the four prisons in the provinces of Cuanza Sul, Moxico, Cabinda and Bie enter into operation, prison capacity will increase by 2,600 places, an increase that will have a significant impact on levels of prison overcrowding;

(f) The Prison Service has recorded around 80 to 100 admissions for every 40 to 80 releases, a situation that has contributed to the current situation;

(g) Rehabilitation and reintegration programmes: the Government provides opportunities for education, vocational training, work and rehabilitation that are designed to prepare detainees for their social reintegration after serving their sentences;

(h) In 2022, the Angolan Prison Service decided to expand agricultural activities in prisons, with the aim of ensuring self-sustainability;

(i) In addition to these agricultural activities, young persons may take part in various activities in the Viana Industrial Zone, including learning tailoring and sewing. There are also detainees engaged in work activities in a cosmetics company, as well as in mechanics, electricity and other areas. After their training, they receive official certificates from the National Institute of Employment and Vocational Training;

(j) Separation of adult prisoners and minors: the Government guarantees appropriate separation, ensuring that minors are not held with adult prisoners. Holding prisoners of opposite sexes inside the same facility is prohibited under articles 15 and 22 (5) of the Prison System Act;

(k) Viana Central Prison in Luanda is composed of two prisons, one for men and one for women. It was the first prison designed to accommodate women, is the only facility in the capital, covers an area of approximately 400 square metres and consists of three blocks with a total of 8 cell wings, one of which is reserved specifically for pregnant women. Another of the wings is reserved for foreign prisoners and another for juveniles. The other five wings are for prisoners in general. All of the cell wings have comprehensive sanitary facilities;

(l) Access to basic services: prisoners are guaranteed access to medical care, including treatment for physical and mental illnesses, as well as to drinking water, nutritionally adequate food and adequate hygiene conditions (Prison System Act, arts. 20, 21, 54 and 55);

(m) Disciplinary measures: disciplinary measures are taken whenever prisoners violate legally established rules, that is, whenever they engage in conduct contrary to prison order and discipline, whether classified as a minor, serious or very serious breach (Prison System Act, arts. 85 and 66 of the), such as, for example, participating in mass disturbances or escapes, instigating acts of this kind or assaulting or coercing other inmates (Prison System Act, art. 87 (2));

(n) The disciplinary measures that may be imposed are: in the case of minor breaches, deprivation of the right to take part in group recreational activities for up to 8 days; in cases of serious breaches, solitary confinement in a cell for a period of up to 5 days or denial of furlough for a period of up to 3 months; and, in cases of very serious breaches, solitary confinement in a cell for 6 to 21 consecutive days (Prison System Act, art. 88);

(o) Rehabilitation and reintegration programmes providing opportunities for education, vocational training, work and rehabilitation and designed to prepare detainees for their social reintegration upon completion of their sentence (Prison System Act, art. 110);

(p) In Viana Central Prison, an industrial zone used for training and production was established by the Ministry of the Interior in 2012 as part of the “New Direction, New Opportunities” (Nuevo Rumbo, Nuevas Oportunidades) programme that made vocational training a priority for the social reintegration of inmates. Many of the men and women who completed this training were hired by the factories that work with the unit once they had served their sentences.

216. Other preventive, punitive and remedial measures taken by the Government of Angola to prevent acts of torture and other cruel, inhuman or degrading treatment and punishment include:

(a) Measures to protect and strengthen respect for the human rights and dignity of all persons residing on Angolan soil and thus guarantee that no person, whatever their situation, is subjected to inhuman treatment;

(b) Measures to uphold judicial integrity with a view to ensuring that evidence obtained through torture or inhuman treatment is not admitted in court, so contributing to the integrity of the justice system and the pursuit of truth and justice;

(c) Measures to promote the rule of law, meaning that all persons, irrespective of their position or status, are subject to the law and have the right to protection and justice;

(d) Measures to reinforce the country's international reputation, including compliance with international human rights standards, strengthening diplomatic relations and participating in international organizations;

(e) Measures to promote a fairer and more equitable society in which all persons have the right to equality before the law and protection against abuse of authority.

217. The prohibition of cruel, inhuman or degrading treatment or punishment is essential to the protection of human rights, the effective functioning of the justice system and the development of a fair and democratic society and reflects the State's commitment to the universal values of respect for human dignity.

218. Trafficking in persons and all forms of exploitation, including slavery, are outlawed in Angola under article 12 of the Constitution. Other legal provisions and public policies with bearing in this area include:

(a) The Criminal Code (Act No. 38/20) of 11 November contains a number of provisions related to trafficking in persons and establishes various offences to protect persons, including: trafficking in persons (art. 178); abduction (art. 175); hostage-taking (art. 176); slavery (art. 177); sexual assault (art. 182); sexual abuse of unconscious persons or persons unable to defend themselves (art. 184); prostitution (art. 18); prostitution of minors (art. 195); trafficking of persons for purposes of sexual exploitation (art. 190); sexual abuse of a minor under the age of 14 years (art. 12); trafficking of minors for purposes of sexual exploitation (art. 196); child pornography (art. 198); migrant smuggling (art. 281); and criminal association (art. 296);

(b) Article 19 of Act No. 3/14 of February 10 on Combating Crimes Underlying Money-Laundering and Trafficking in Persons (repealed under the Criminal Code), which defines the offence of trafficking in persons;

(c) National Action Plan to Combat Trafficking in Persons (Presidential Decree No. 31/20 of 14 February 2020);

(d) Articles 16 and 17 of Act No. 13/19 of 23 May on the Legal Regime for Foreign Nationals in Angola, which makes authorization for travel and document checks at borders obligatory for minors, a measure that helps to combat trafficking in persons. Additionally, article 56 of this Act guarantees the possibility of obtaining a humanitarian visa for victims of criminal offences, including victims of trafficking in persons;

(e) Act No. 1/20 of 22 January on the Protection of Victims, Witnesses, Cooperating Defendants and Members of their Families;

(f) National Action Plan for the Eradication of Child Labour in Angola 2021–2025 (Presidential Decree No. 239/21 of 29 September);

(g) Flow charts and standard procedures for the care of minors who are victims of violence (Joint Executive Decree No. 455/21 of the Ministry of the Interior, Ministry of Justice and Human Rights, Ministry of Health, Ministry of Education and Ministry of Social Action, the Family and the Advancement of Women, dated 2 September);

(h) National Referral Mechanism and standard operating procedures (Executive Decree No. 179/22 of 1 April);

(i) On 20 June 2010, Angola ratified the United Nations Convention against Transnational Organized Crime and the additional protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Girls, known as the Palermo Protocol (National Assembly Resolution No. 21/10).

219. The institution with primary responsibility for the fight against trafficking in persons is the Interministerial Committee against Trafficking in Persons in Angola (Presidential

Decree No. 235/14 of 2 December), which is coordinated by the Ministry of Justice and Human Rights and composed of representatives of various ministries, the National Police and the Attorney General's Office. The Committee follows the four Ps approach (prevention, protection, prosecution and partnership).

220. The courts, the Attorney General's Office, the commission responsible for implementation of the National Action Plan for the Eradication of Child Labour and the National Council for Social Action also have important roles in the fight against trafficking.

221. The principal results achieved by the Interministerial Committee against Trafficking in Persons are:

(a) Adoption of the National Action Plan against Trafficking in Persons in Angola (Presidential Decree No. 32/20 of 14 February), which standardizes the actions to be taken in the fight against trafficking and is built around the four Ps (prevention, protection, prosecution and partnership);

(b) National Referral Mechanism and standard operating procedures (Executive Decree No. 179/22 of 1 April);

(c) Joining of the United Nations Office on Drugs and Crime (UNODC) Blue Heart Campaign in July 2018, to raise awareness of trafficking in persons;

(d) Joining of the Southern African Development Community's case collection database in 2018 and contribution of first cases in 2019;

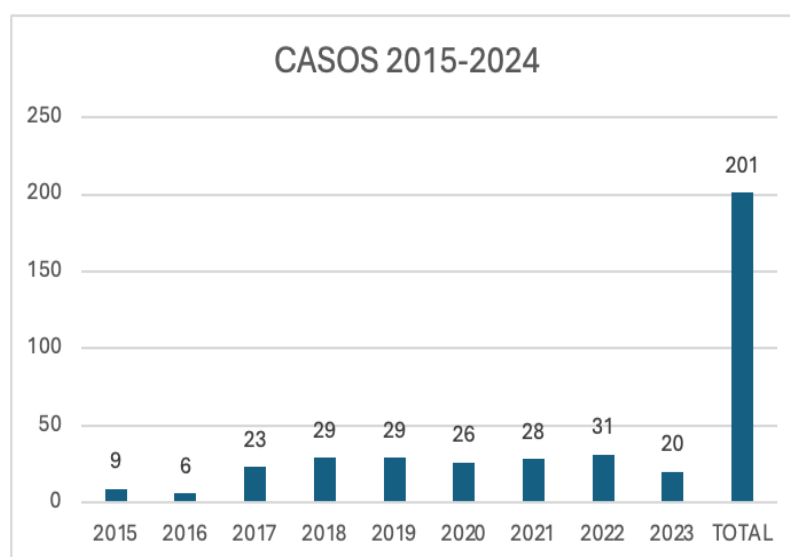
(e) Organization of training for the National Police and workshops and seminars for young persons, transport companies, schools and civil society in general, attended by more than 8,000 people;

(f) Case registration and follow-up and victim support: from 2015 to the date of this report's compilation, 201 possible cases of trafficking were registered, a quarter of which have already been taken to court;

(g) Support for victims during family reintegration processes, both nationally and internationally;

(h) Minors account for 50 per cent of trafficking victims in Angola, with very similar percentages for boys and girls, and adults, most of them men, for the other 50 per cent. Angolan nationals make up 56 per cent of victims and foreign nationals the remaining 44 per cent.

Figure 8
Trafficking cases registered in the period 2015–2024



Source: Interministerial Committee against Trafficking in Persons in Angola.

222. As mentioned above, the general aim of the National Action Plan for the Eradication of Child Labour in Angola 2021–2025, adopted by Presidential Decree No. 239/21 of 29 September 2021, is to take effective, immediate and comprehensive measures to facilitate the work of the various actors involved in safeguarding the rights of minors in practical ways that serve as a means of combating the worst forms of child labour until 2025.

223. The National Action Plan for the Eradication of Child Labour provides a diagnostic of the child labour situation in Angola based on the multiple health indicator survey 2015–2016, which compiled information on the types of work performed by minors aged 5 to 17 years old and the number of hours they spent performing such work. According to the results of the survey, in the week before it was carried out, 25,830 minors aged 5 to 17 years old, of whom 13,117 were boys and 12,713 were girls, were involved in child labour in Angola.

224. The survey revealed the following patterns in respect of the problem in Angola:

(a) Minors in rural areas falling within the 5–11, 12–14 and 15–17 age brackets are more likely to be involved in economic activity and domestic labour for periods exceeding the number of hours considered appropriate for their age;

(b) Of the total number of children living in rural areas, 32.3 per cent are involved in child labour (domestic chores or economic activity);

(c) Of the total number of children living in urban areas, 18.5 per cent are involved in some form of child labour (domestic chores or economic activity);

(d) The gender breakdown shows that 21.6 per cent of boys are involved in child labour (domestic chores or economic activity) while 25.3 per cent of girls are involved in child labour (domestic chores or economic activity);

(e) The proportion of minors who work in hazardous conditions is higher in rural areas (19.6 per cent) than in urban areas (7.6 per cent) and this problem affects girls (12.8 per cent) more than boys (11 per cent). The age group most affected by hazardous conditions is the 12 to 14 years old age range, where the proportion affected is 15 per cent;

(f) The proportion of minors involved in child labour varies greatly by province, with Cuanza Sul province having the highest rate (45 per cent), followed by the provinces of Malanje (31 per cent), Bié (31 per cent) and Cuando Cubango (39 per cent). The province with the lowest rate is Bengo, with 9 per cent;

(g) With regard to type of work, it is the data for domestic labour that generates the greatest concern.

225. Together with its partners, the committee responsible for overseeing implementation of the National Action Plan for the Eradication of Child Labour is working to reduce the number of cases nationwide through awareness-raising and sensitization campaigns, case follow-up and victim protection programmes.

III. Final considerations

226. This report highlights the significant progress that the Government of Angola has made in promoting awareness of the principles enshrined in the Convention, implementing policies and procedures to prevent torture and strengthening the justice system. The Government hereby reaffirms its commitment to maintaining open and constructive dialogue with civil society, international organizations and other signatory States with a view to continually improving its strategies and practices.

227. The Government is aware that challenges remain despite the substantial progress achieved and is committed to addressing them in a determined manner. The absolute elimination of torture requires sustained effort and global cooperation.

228. The Government of Angola is grateful for the cooperation of the Convention against Torture Initiative in the provision of training and assistance for the preparation of this report.

229. In conclusion, the Government wishes to highlight the importance of the adoption and implementation of the National Human Rights Strategy and the related Action Plan, which are aligned with international human rights treaties in general and the Convention against Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in particular.

230. The Government of Angola recognizes the challenges inherent in implementing the Covenant but reiterates its commitment to upholding, respecting and protecting human rights on a voluntary basis as well as the provisions of the Convention.
