



Mission Permanente
de la République d'Angola
Genève

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Geneva, 30th September 2024

The Permanent Mission of the Republic of Angola to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) – **Special Procedures Branch**, and has the honor to transmit herewith the response of the Government of Angola, to the note with reference AL.AGO.2/2024, dated 22nd of July, regarding the joint communication from Special Procedures on the case related to Mr. **Adolfo Miguel Campos André**, Mr. **Abraão Pedro dos Santos**, Mr. **Gilson Moreira** and Mr. **Hermenegildo Victor José**.

The Permanent Mission is aware of the deadline upon which Angola should have responded, and call for your understanding.

The Permanent Mission of Angola avails itself of this opportunity to renew to the Secretariat of the Office of United Nations High Commissioner for Human Rights (OHCHR) - **Special Procedures Branch** the assurance of its highest consideration.



**TO
THE SECRETARIAT OF THE
OFFICE OF UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS (OHCHR)**

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GENEVA



MINISTRY OF JUSTICE AND HUMAN RIGHTS OF ANGOLA,

RESPONSE TO THE CASE AL AGO 2/2024 of 22th of July.-

Angola, would like to make reference to the following considerations:

1. The Republic of Angola is a state party to the main Human Rights Treaties at regional and international level, in its Constitution, Title II, on Fundamental Rights and Duties, (articles 22 - 88 of the CRA) establishes a series of rights that consider the Ratified Human Rights Treaties as part of domestic legislation.
2. The Republic of Angola respects physical freedom and individual security, as well as freedom of opinion, expression and the right to peaceful manifestation, assembly and association, rights and freedoms that are fully enshrined in the Constitution of the Republic in articles 36, 40, 47 and 48.
3. The above-mentioned articles are nothing more than a reflection of the State's respect for articles 19, 20, 21 and 22 of the International Covenant on Civil and Political Rights, in particular, and of all International Human Rights Treaties, in general, and of the African Charter on Human and Peoples' Rights.
4. The citizens **Adolfo Campos; Abraão Pedro Santos; Gilson Mendes and Hermenegildo Victor José** were judged and sentenced in summary proceedings (no. 40/23D) by the District Court of Luanda, to a sentence of two years and five months for the crime of disobedience and resistance to orders from the authorities. The trial followed the procedures established by law, and they were heard and had the right to a lawyer during the said trial.
5. The citizens are repeated offenders, having been involved in previous law proceedings.
6. Citizens received assistance, including medical and pharmaceutical assistance, in accordance with the Law and under the responsibility of the Prison Establishment.
7. The detention of the aforementioned citizens and the subsequent trial have nothing to do with the impediment to the exercise of any right to fundamental freedom provided for in the Constitution of the Republic of Angola and in the International Treaties ratified by Angola and cited by the Rapporteurs. They are solely and exclusively associated with the practice of common crimes duly defined by law, and are subject to application to all citizens who commit crimes of penal nature.
8. The Angolan citizen **Ana da Silva Miguel "Neth Nahara"** was judged and convicted by the District Court of Luanda in summary proceedings (no. 7968/023-DCCO) in August 2023 and sentenced to a six-month prison sentence.

9. The trial followed the procedures established by law. She was entitled to a lawyer and was heard at trial. The case was appealed to the Court of Second Instance, the Court of Appeal of Luanda, which, within the scope of the power of assessment legally attributed to that court, see articles 496 and 499 of the Angolan Penal Code, which allows the appealed decision to be reviewed and in accordance with article 333 of the same Code, the penalty for the crime of which she was accused ranges from six months to three years in prison. In this case, on appeal, the penalty was increased to two years in prison.
10. Accordingly, we reiterate that some of the information provided by the interested parties is inaccurate and distorted due to their lack of knowledge of some national administrative procedures and considers that the elements of admissibility and merit of the case appear to be somewhat ineffective.
11. The Ombudsman's Office is, under the terms of article 212.9-A of the CRA, a public and independent entity, whose purpose is to defend the rights, freedoms and guarantees of citizens, ensuring, through informal means, the justice and legality of the Public Administration's activity.
12. In 2023, the Ombudsman's Office carried out monitoring visits, consulted inmates, received complaints, forwarded and resolved cases. 33 prisons were visited and 6,037 complaints were received, mostly regarding procedural delays.
13. The Ombudsman's Office has not received any complaints about these cases.
14. Furthermore, the cases were processed by the mentioned courts, and there is no interference from the executive branch in the decision taken by them.

Therefore, we conclude that:

1. In compliance with the principle of separation of powers, our institutional position is limited, and it is the exclusive responsibility of the courts to closely monitor and carry out the necessary procedures related to the enforcement of the sentences imposed on the citizens **Adolfo Campos, Abraão Pedro Santos, Gilson Moreira - "Tanaice Neutro", Hermenegildo Victor José and Ana da Silva Miguel - "Neth Nahara"**.
2. We reiterate our commitment to continue monitoring the case in order to ensure compliance with the fundamental rights, freedoms and guarantees of the above citizens.
3. Likewise, we would like to express the willingness of the Angolan executive branch to continue to maintain a constructive dialogue with the OHCHR and its mechanisms in accordance with the rules and procedures of their respective Mandates.

Therefore, the above reflects the position of the Justice and Human Rights Sector, and we would like to request your good offices to consider this matter within your respective mandates.

Ministry of Justice and Human Rights in Luanda, 30/ September/ 2024.-