

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the denial of entry and confiscation of materials of members of civil society organizations, particularly members of the **Southern Africa Development Community Council of Non-Governmental Organisations (SADC-CNGO)**; the **Southern African Trade Union Co-ordinating Council (SATUCC)**; the **Fellowship of Christian Councils in South Africa (FOCCISA)**; the **Crisis in Zimbabwe Coalition**; the **Elections Resource Centre** and the **Zimbabwe Lawyers for Human Rights**, on their arrival in the city of Luanda to attend the seventh Southern Africa Civil Society Forum.

SADC-CNGO is a common platform for civil society organisations which addresses issues of poverty alleviation, democratisation, good governance and ending political conflicts. It encourages collaboration and partnership with other stakeholders and monitors the performance and accountability of SADC secretariat, and Member States on their national, regional and international commitments related to sustainable development.

SATUCC is a regional trade union organisation which represents all major trade union federations in the region. It aims to strengthen solidarity among trade unions and to give voice to labour issues at a regional level. Furthermore, it reports on economic, political and labour conditions and human and trade union rights.

FOCCISA is an ecumenical organisation whose aim is to reach economic justice through the gathering and dissemination of information on areas such as debt, trade and food security as well as it aims to encourage literacy programmes.

The Crisis in Zimbabwe Coalition aims to enhance the capacity of civil society to deal with the socio-economic and political issues through encouraging strategic planning and action.

The Elections Resource Centre seeks to promote participation and accountability in electoral democracy.

The Zimbabwe Lawyers for Human Rights is a non-profit organization which focuses on creating and promoting a culture of human rights.

According to the information received:

On 11 August 2011, seventeen members of civil society organisations and two journalists were denied entry by immigration officials on their arrival at the Quatro de Fevereiro International Airport in Luanda as they travelled to attend the seventh Southern Africa Civil Society Forum. This forum is an annual event, organised by civil society organisations, which aims to discuss issues on development, government and human rights in Southern Africa. It also reportedly aims to provide an information sharing platform for civil society organisations in order to bring about a consensus on issues affecting people of the region, as well as, to enhance networking and alliance building. It was scheduled to run in parallel with the Southern African Development Community, a summit attended by Heads of State, and which took place between 16 and 18 August 2011 in Luanda.

Among those denied entry were the Executive Director of Southern Africa Development Community-Council of Non-Governmental Organisations (SADC-CNGO), Mr Abie Dithake; the Executive Secretary of the Southern Africa Trade Union Coordination Council (SATUCC), Mr. Austin Muneku; and the Executive Director of the Fellowship of Christian Councils of Southern Africa (FOCCISA), Mr. Malcolm Damon .

It is reported that the civil society leaders had in their possession official correspondence from the office of the Director General of the Technical Unit of Humanitarian Aid Co-ordination (UTCAH), stating that they would be issued with the requisite visas upon arrival. It is reported that the Angolan authorities also cancelled accommodation and meeting room reservations, which had been made by the civil society leaders, citing unspecified security reasons.

Two journalists, from the Mozambican newspapers Jornal Noticias and Independente, namely Ms. Joana Maria Macie and Mr. Lourenço Cossas, were also allegedly sent back to South Africa. They had visas, issued by the Angolan Consulate in Maputo, as well as an official invitation from a state owned journalist

education centre in Angola. Despite this, the immigration officials allegedly invalidated their visas and confiscated their passports which were only returned to them upon their arrival in Johannesburg. It is reported that the journalists were threatened with force if they did not agree to return to South Africa immediately. As a result they were obliged to leave their baggage in Luanda airport.

It is alleged, despite that permission had reportedly been granted by the Angolan government for the forum to be held that to date the authorities have not provided any explanation for the refusal to grant entry to the various individuals.

On 15 August 2011, four Zimbabwean civil society activists, namely Ms. Dewa Mavhinga and Mr. Phillip Pasirayi, members of the Crisis in Zimbabwe Coalition, Mr. Tawanda Chimhini, director of the Elections Resource Centre and Mr. Dzimbabwe Chimbga, manager of Zimbabwe Lawyers for Human Rights, were also held at Luanda airport for five hours. Reportedly, the authorities went through their luggage and confiscated 300 translated copies of a report regarding the political situation in Zimbabwe. Allegedly the only explanation provided by the officials for their actions was that the documents would assist them with further investigations.

Concern is expressed regarding the denial of entry and sending back of civil society members and journalists as well as the confiscation of their materials particularly in light of the fact that they were travelling to an authorised civil society forum. Further concern is expressed that these actions by the authorities may be directly linked to the work of the aforementioned individuals in defence of human rights as they attempted to peacefully exercise their right to freedom of expression and freedom of assembly.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Also, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

We would also like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide any legal basis for the denial of entry of the aforementioned individuals as well as the confiscation of their materials?

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

