

Mandates of the Independent Expert on the enjoyment of human rights by persons with albinism; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences

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Excellency,

We have the honour to address you in our capacities as Independent Expert on the enjoyment of human rights by persons with albinism; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 28/6, 26/12, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged killings and attacks against persons with albinism, among which a woman, in Zambia, including: the attack, dismembering and killing of Ms. **Charity Zimba**, a 37 year old women with albinism; the attack and dismembering of Mr. **Billy Chulu**, a 46 year old man with albinism; the attack, dismembering and killing of Mr. **Jeffrey Sikanyai**, a 36 year old man with albinism; and the attempted kidnapping of Mr. [REDACTED], a 15 year old boy with albinism.

According to the information received:

Ms. Charity Zimba was attacked on 26 May 2015 at her home in Kalumbu village, in chief Magodi's area of Lundazi District in Zambia. She succumbed to her injuries after her right hand was cut off and several of her teeth knocked off. She was attacked by four men at her house at around 10 p.m. Her husband, Robin Nyirongo who opened the door was first assaulted and left unconscious. The aggressors then attacked Ms. Zimba who screamed for help while her hand was being cut off. Her brother in law, hearing the call for help, rushed just in time for her to narrate her ordeal before passing away. According to the information received, the police is investigating the case.

Mr. Billy Chulu was attacked on 12 December 2015 in Mandevu, Lusaka, Zambia close to the National Heroes Stadium. Mr. Chulu was assaulted by four persons after leaving a bar, he was forced into a car, taken to an isolated neighbourhood behind the National Heroes Stadium and his finger was cut off. He was then released. The case was reported to the police.

Mr. Jeffrey Sinkanyai was attacked on the evening of 23 December 2015 in Zani Muone West area, Lusaka, Zambia. He succumbed to his injuries after his right forearm was severed from his body, possibly with an axe. His body was found the next morning by residents of Zani Muone West, a neighbourhood adjacent to Mandevu where Mr. Sinkanyai resided. According to the information received, the police is investigating the case.

Mr. [REDACTED] was lured into a taxi by a man under the pretext of providing help for purchases on 6 January 2016 close to Mandevu, Lusaka, Zambia. Once in the taxi, the man spoke on the phone to an accomplice in Swahili, a language not understood by Mr. [REDACTED], saying that he was on his way with the "albino business" as arranged. The taxi driver, fluent in Swahili, overheard the conversation and drove to Matero police station. The alleged abductor was interviewed and the case was transferred to the central police station in Lusaka. According to the information, the suspect is now in conditional liberty.

Concern is expressed at the pattern of attacks and killings directed at persons with albinism, including women. While we commend efforts already undertaken by your Excellency's Government in taking action against perpetrators, serious concerns are expressed about these alleged attacks, as these acts appear to have had the purpose of using, or selling for use, body parts for witchcraft purposes. In this context, further concerns are expressed about the physical and mental integrity of persons with albinism, including women who are at risk of attacks resulting in death and mutilation, as well as in the trafficking of body parts.

While we do not wish to prejudge the accuracy of these allegations we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please see the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on, and where available the results of, investigations, medical and other forensic examinations, and judicial or other inquiries carried out in relation to these cases, as well as on the criminal charges laid against the alleged perpetrators.
3. Please provide the full details of any protective measures put in place by your Excellency's Government to ensure the physical and mental integrity and security of persons with albinism, including women.
4. Please provide information on comprehensive strategies adopted by the national authorities to prevent abduction, killing and dismembering of persons with albinism, including awareness raising campaigns and education programs, training of professionals dealing with survivors and potential victims.
5. Please provide updated disaggregated data, by sex and age on the cases of abduction, killing and /or dismembering of persons with albinism registered in Zambia, as well as the number of prosecutions and convictions, and compensation to victims.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we encourage your Excellency's Government to continue applying due diligence in investigating and prosecuting the above allegations, as well as to take all necessary interim measures to prevent the re-occurrence of such alleged violations, protect the life, physical and mental integrity of persons with albinism, and to fight against the trafficking of body parts.

It is our intention to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Ikponwosa Ero
Independent Expert on the enjoyment of human rights by persons with albinism

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to recall the fundamental principles as set forth in the Universal Declaration of Human Rights, and the UN International Covenant on Civil and Political Rights to which your country is a party. We wish to draw your Excellency's Government's attention to articles 3 of the Universal Declaration of Human Rights and 6 (1) of the International Covenant on Civil and Political Rights, to which your Government acceded on 10 April 1984, which guarantee the right of every individual to life and security and not to be arbitrarily deprived of his life.

Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty of States to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Finally, we would like to bring to your Excellency's Government's attention article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, ratified by Zambia on 21 June 1985, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, whether perpetrated by a State official or a private

citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".