

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 extrajudicial, summary or arbitrary executions

REFERENCE: AL
MOZ 1/2016:

17 March 2016

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; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 25/2, 24/5, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the attempted killing of Mr. **Manuel Bissopo**, leader of the Mozambican National Resistance (Renamo); the killing of his body guard in Beira; and the killing of Mr. **Gilles Cistac** in Maputo.

According to the information received:

On 20 January 2016, Mr. Manuel Bissopo was shot by unknown gunmen in Beira. During the attack, Mr. Bissop was wounded in leg and arm and taken to the hospital. His bodyguard was killed and two other people who accompanied him escaped.

The attack against Mr. Bissopo happened after he held a press conference in which he denounced exactions against Renamo's members. He had accused elements of the Defence and Security Forces (FDS) of being responsible for the kidnapping and the killing of members of his party. Mr. Bissopo had informed that the bodies of two members of his party were found on 19 January 2015.

The attack against Mr. Bissopo occurred in the context of the investigation following the assassination of Mr. Gilles Cistac last year. On 3 March 2015, Mr.

Cistac, a prominent Mozambican lawyer and human rights activist, was killed in Maputo. Mr. Cistac was on his way to work in a taxi when he was shot and killed by four unidentified gunmen who remain at large.

Mr. Cistac, a professor of law at the University of Eduardo Mondlane, was a central figure in a sensitive debate about autonomy for Mozambique's provinces and decentralization of power. He was also well known for speaking out about electoral fraud and in favor of freedom of expression.

Mr. Cistac's opinions had been the subject of social media exchanges on Twitter, including some messages that had allegedly targeted him for his views. Reports indicated that Mozambican authorities allegedly identified him as a destabilizer.

Some weeks before his assassination, Mr. Cistac received serious death threats, including by email. Unknown people sent him pictures of a Kalashnikov and a coffin. These messages also threatened to attack his daughter. He then decided to send his daughter to South Africa and lodged a complaint with the Attorney General of Mozambique on 26 February 2015. It is not known what security measures were adopted by the authorities to protect Mr. Cistac's life and there is no information about the inquiries into the attack against him.

Grave concern is expressed at the attempted murder of Mr. Bissopo, and the murder of his bodyguard, which appear to be related to the former's political activities. Grave concern is similarly expressed at the murder of Mr. Cistac, apparently as a result of the public expression of views on the devolution of increased power to the provinces in the context of decentralization, and his criticism of electoral fraud. Serious concern is expressed that these murders and attempted murder may be aimed at restricting or suppressing the legitimate exercise of the right of the victims to freedom of expression and opinion. Further concern is raised about the lack of proper investigation into these attacks. Our concern is further enhanced since the crimes as alleged may have a deterrent effect on the surviving victims and through them on civil society actors as a whole, and beyond, on any person holding and expressing dissenting views.

The alleged acts appear to be in contravention of international human rights law to which Mozambique is obligated, including the right of every individual to life, the rights to freedom of opinion and expression, and the right to freedom of association.

In this connection please refer to 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, and where available the results, of any investigation and judicial or other inquiries carried out into the threats and attacks alleged attempted murder of Mr. Bissopo, the killing of his bodyguard, as well as the assassination of Mr. Cistac. Has anyone been brought to justice in connection with these crimes?
3. Please provide detailed information on the measures that had been taken to ensure the protection the security of Mr. Cistac, and if applicable, an assessment on why these were not effective to protect his integrity and his right to life.
4. Please provide detailed information on the protection measures that are being put in place to ensure that Mr. Bissopo, his family, in particular his daughter, but also all those associated to him, including his party members, followers and sympathisers, are effectively protected against any act of violence directed against them in connection with their views and political activities.
5. Please indicate what measures have been taken to ensure the safety of political opponents and activists in Mozambique and to guarantee that they are able to carry out their legitimate work and publicly express their opinions without fear or threats of intimidation and harassment of any sort.

We would appreciate a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge your Excellency's Government to take all necessary measures to ensure a prompt, thorough, impartial and effective investigation into the attack against Mr. Manuel Bissopo, the killing of his bodyguard, as well as the killing of Mr. Gilles Cistac and to bring to justice the perpetrators. We also urge that all necessary measures are taken to prevent the re-occurrence of such violations and to guarantee a safe and enabling environment in which political opponents and activists can carry out their legitimate activities without interference.

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

David Kaye

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

Christof Heyns

Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and 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.

We would like to refer to article 3 of the Universal Declaration of Human Rights and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Mozambique on 21 July 1993, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. Furthermore, we would like to refer to articles 19 and 22 of the ICCPR that guarantee the rights to freedom of opinion and expression and freedom of association respectively.

Article 4 of the African Charter on Human and Peoples' Rights, ratified by Mozambique on 22 February 1989, states that « Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right ».

Additionally, in its General Comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (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, stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

We would like to further refer to Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”