

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the rights of indigenous peoples

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the rights of indigenous peoples, pursuant to Human Rights Council resolutions 34/5, 36/6, 34/18, 42/16 and 42/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning acts of intimidation and harassment of human rights defenders working for the non-governmental organisation MBAKITA.

Mr. **Pascoal Baptistiny** is the executive director of Missão de Beneficência Agropecuária do Kubango Inclusão Tecnologias e Ambiente (MBAKITA) a non-governmental organisation that defends the rights of indigenous peoples and traditional communities, such as the indigenous San people, in Cuando Cubango province in southern Angola. The organisation focuses on promoting the right to land, food and citizenship of traditional communities through advocacy for social and economic inclusion and defence against land expropriation.

According to the information received:

On 20 March 2020, MBAKITA sent a letter to various local administrations, the provincial government of Cuando Cubango and the provincial police command to inform of their intention to distribute health information and hygiene products, such as soap and masks, to members of traditional communities and indigenous people such as the San. MBAKITA's project was aimed at providing practical information and equipment to members of these communities, since most do not have access to radio or television to receive government advice on the COVID-19 virus, and live in a situation of extreme poverty and disempowerment, lacking access to basic public services. The campaign began on 21 March 2020.

On 2 April 2020, nine members of MBAKITA were violently arrested by police in Cuando Cubango as they distributed health products and advice. Police officers

beat them with baton sticks and threatened them with their guns. They were released after eight hours in detention but were not informed whether charges would be brought against them.

On 9 April 2020, two human rights defenders working with MBACKITA were beaten by members of the police with clubs as they made their way to the MBACKITA office. They were due to collect COVID-19 protective equipment from the office to distribute it among communities in the region of Menongue. MBACKITA had made a formal request to the Cuando Cubango provincial authorities to recommence their health campaign, but had not received a response at the time this communication was sent.

On 16 April 2020, Mr. Pascoal Baptistiny received an anonymous message on his phone demanding that he stops working in the defence of the local traditional communities. The messenger threatened to injure Mr. Baptistiny and claimed to be able to identify his car. Later on 16 April, Mr. Baptistiny found that salt had been put into the radiator of MBACKITA's company car, causing it to break down and preventing them from carrying out further work with the local communities.

On 17 April 2020, at 1:30 a.m., three armed and unidentified men entered Mr. Pascoal Baptistiny's house. They tied the hands of two of Mr. Baptistiny's security guards and stole a number of items from the home, including two laptops as well as a number of memory cards and mobile phones. His family were also in the home but were unharmed.

On 23 April 2020, unidentified individuals again broke into Mr. Baptistiny's home. The security guards were immobilised and three further computers belonging to MBACKITA were stolen. Mr. Baptistiny had brought the computers to his home out of concerns that they would be stolen from the MBACKITA offices, which were now closed due to restrictions in place for the COVID-19 pandemic.

Mr. Baptistiny has received death threats and threats that he and his family would be disappeared. The messages have urged him to cease his work with the indigenous communities and to not report intimidations to the police. On 11 May 2020, Mr. Baptistiny allegedly received 15 intimidating phone calls from unknown numbers. Other human rights defenders working for MBACKITA have also received anonymous threats by phone call and text message. Seventeen MBACKITA human rights defenders have left the organisation out of fear for their well-being.

On 11, 12 and 13 May 2020, unidentified individuals again attempted to break into Mr. Baptistiny's home. On these occasions the break-ins were prevented by the security guards.

On 13 May 2020, Mr. Baptistiny denounced the attempted break-in attempts to the Provincial Police of Cuando Cubango. There has been reportedly no measures taken to safeguard the physical integrity of Mr. Baptistiny since the complaint.

On 18 May 2020, three unidentified individuals parked outside Mr. Baptistiny's home for four and a half hours. They allegedly told the security personnel that they were Mr. Baptistiny's brothers and that they should be let in to talk with him. They were not allowed to enter.

In the last three years, MBACKITA has reportedly received regular threats and intimidating phone calls, which have been reported to Menongue Police Station. The organisation has reportedly received no information on the status of investigations into the threats including the arrest of perpetrators.

Without prejudging the accuracy of the allegations, we wish to express our deep concern at the reported serious threats and intimidations faced by Mr. Pascoal Baptistiny and other human rights defenders working for MBACKITA. We are particularly concerned that the threats, which appear to be retaliation against the human rights work carried out by MBACKITA in favour of indigenous and traditional communities, have allegedly not been investigated and have gone unpunished, allowing the perpetrators to continue intimidating the human rights defenders. The severe attacks endured by MBACKITA's members, who were defending the right to health of indigenous communities, coupled with the impunity enjoyed by the attackers may put the human rights defenders and their families at serious risk of enforced disappearance or death, and sets a worrying precedent for the protection of human rights and facilitation of the work of human rights defenders. Noting that large numbers of human rights defenders are leaving MBACKITA to protect their physical and mental integrity, we raise our most serious concerns for the chilling effect this may have on civil society in the region.

We are also deeply concerned for the welfare of the indigenous communities in Cuando Cubango, whose health may be at serious risk resulting from the lack of access to information on the COVID-19 pandemic. According to UN experts, access to information may be one of the most effective ways of slowing and preventing the spread of the COVID-19 virus. In a statement made on 19 March 2020, international UN experts on the right to freedom of expression and media emphasised that, "any attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression". These incidents and threats effectively prevent delivery of vital information and equipment to San communities during the pandemic. Furthermore, they come in the context of decades of discrimination and marginalisation against the San, whose land rights are not recognised and whose traditional lifestyle is yet to be protected as part of the wealth of Angolan society.

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

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what measures have been taken to guarantee the physical and psychological integrity of Mr. Baptistiny, his relatives and all other human rights defenders working with MBACKITA.
3. Please provide details and, where available, the results of any investigation which may have been carried out in relation to the grave threats made against human rights defender Mr. Baptistiny and the raids carried out in his home. Please also provide information on any investigation launched into allegations of police brutality against members of MBACKITA conducting COVID-19 awareness campaigns. If no such measures have been taken, please explain how this is compatible with your human rights obligations.
4. Please indicate what measures are in place to ensure that indigenous and traditional communities in Cuando Cubango have access to information and medical equipment to slow and prevent the spread of the COVID-19 pandemic.
5. Please indicate what measures have been taken to ensure that human rights defenders in Angola are able to carry out their legitimate work, including through the defence of indigenous peoples' rights, in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR) ratified by Angola on 10 April 1992. In particular we would like to draw your Excellency's attention to articles 6, 9, 19 and 21 which state that every human being has the inherent rights to life, liberty and security of the person, and freedom of expression and association.

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

We would also like to remind your Excellency's Government of the following articles of the Declaration:

article 5 (b) and (c), which guarantee the right to form, join and participate in non-governmental organizations, associations or groups and to communicate with non-governmental or intergovernmental organisations

article 12 (2) and (3), which provide that the State shall take all necessary measures to ensure the protection of everyone 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.

We would like to further refer to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which Angola acceded to on 10 January that protects the right to health. This right is inclusive (General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, E/C.12/2000/4, para 11), closely linked to and dependent on other rights, such as the right to request, receive and disseminate information and ideas about health related issues (para 12.b.iv). States should respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view to assisting groups in vulnerable or marginalized situations in the realization of the right to health (para 62).

We further refer to the Declaration on the Protection of all Persons from Enforced Disappearance, in particular article 3, 4, 13 and 16 which provide that States should take effective steps to prevent and terminate acts of enforced disappearances, that acts of

enforced disappearance shall be offences under criminal law punishable by appropriate penalties, that complaints of enforced disappearance should be promptly, thoroughly and impartially investigated by an authority holding the necessary powers and resources to conduct the investigation effectively and that suspected perpetrators shall be suspended from any official duties during the investigation.

We would also like to reiterate the provisions in the Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007. Article 24 asserts that indigenous individuals have the right to access, without any discrimination, to all social and health services and have an equal right to the enjoyment of the highest attainable standard of physical and mental health and that states shall take the necessary steps with a view to achieving progressively the full realisation of this right. Additionally, article 15.2 provides that States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.