

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

Ref.: AL MOZ 2/2022
(Please use this reference in your reply)

16 September 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16, 43/4 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning threats by unknown individuals against Mr. **Adriano Nuvunga**.

Professor Adriano Nuvunga is a human rights defender and Chairperson of the Mozambique Human Rights Defenders Network and Director of the Center for Democracy and Development in Mozambique. Professor Nuvunga has worked on a range of human rights issues in the country, including exposing alleged corruption, promoting the rights of the Rwandan diaspora in Mozambique and protecting the right to freedom of assembly.

According to the information received:

On 15 August 2022, two bullets were allegedly found at the front door of Mr. Nuvunga's residence in Maputo while he was asleep. The bullets were wrapped in white paper, on which was written "Cuidado Nuvunga", (which translates as "Beware Nuvunga"). CCTV footage from Mr. Nuvunga's property allegedly shows two men in plain clothing approach the property at 5.15am on 15 August and throwing two objects before walking away.

On discovering the bullets, Mr. Nuvunga immediately called the police stationed approximately one minute walking distance from Mr. Nuvunga's residence. According to the National Criminal Investigation Service (SERNIC) whose officers also attended the scene, the bullets were from an AK-47 assault rifle.

Two years prior to this incident, in October 2020, Mr. Nuvunga allegedly received a phone call from an unidentified person informing him that a bomb had been planted in his home. He immediately phoned the police who promptly arrived, along with a bomb squad which searched his premises. No bomb was found.

Mr. Nuvunga provided police officers with the phone number of the unidentified caller, which remained active for a number of weeks after the incident but he did not receive any information as to the progress or results of the police investigation of the bomb threat.

Without prejudging the accuracy of the information, we wish to express our concern at this act of intimidation against human rights defender Adriano Nuvunga. We are concerned that Mr. Nuvunga's prominent and public work defending human rights in Mozambique may put him at elevated risk of attack from groups opposed to his peaceful activities. We are particularly concerned that this is the second such incident in recent years, and furthermore, that there was no apparent progress in the police investigation of the reported bomb threat Mr. Nuvunga was subjected to in 2020.

We are deeply concerned that this alleged threat may pose a real risk to Mr. Nuvunga's life. In her report to the Human Rights Council in 2020, the Special Rapporteur on the situation of human rights defenders highlighted the link between the killing of human rights defenders and death threats, noting that "[n]ot all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by death threats. However, many killings are preceded by a threat."

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 provide information on any investigation carried out by the national authorities to identify and punish the authors of the threats to which Adriano Nuvunga was subjected on 15 August 2022 and the outcome of the investigation into the bomb threat received by Mr. Nuvunga in October 2020. If no investigations have been carried out, please explain why.
3. Please provide detailed information on measures which have been put in place by competent State authorities to ensure the protection of Mr. Nuvunga from further attack.

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

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex
Reference to international human rights law

We wish to refer to article 19 of the International Covenant on Civil and Political Rights, acceded to by Mozambique on 21 July 1993, which provides the right to freedom of opinion and expression. As per article 19(2), the freedom of expression includes the “right to seek, receive and impart information and ideas of all kind, regardless of frontiers either orally, in writing or in print, in the form of art, or through any other media of his choice”. Intimidation or retaliation of any kind against a person for holding or expressing an opinion, such as an opinion critical of the government, is a violation of article 19(1).

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 also wish to refer to articles 6(c), 9 and 12, which state that everyone has the right, individually and in association with others, to study, discuss, form or hold opinions on the observance of all human rights and fundamental freedoms and to draw public attention to these matters; to benefit from an effective remedy and be protected in the event of the violation of these rights; and to participate in peaceful activities against violations of human rights and fundamental freedoms.