

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL AGO 1/2024
(Please use this reference in your reply)

15 April 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary house arrest and detention of Mr. Zola Ferreira Bambi.

Mr. **Zola Ferreira Bambi** is a human rights defender and lawyer who has provided legal counsel and representation to other human rights defenders, as well as activists, protestors and journalists facing judicial harassment for their work and peaceful activities. He has also represented communities who have suffered human rights violations. He is the president of the Observatory of Social Cohesion and Justice in Angola.

According to the information received:

Pattern of threats and attacks against Mr. Ferreira Bambi

Mr. Ferreira Bambi has been the object of threats, physical attacks and surveillance over the past ten years, reportedly in relation to his work as a human rights lawyer representing human rights defenders, activists, protesters and journalists. In 2013, Mr. Ferreira Bambi was reportedly assaulted and detained by a group of police officers, before receiving death threats from members of the Rapid Intervention Police. This incident was believed to be in relation to his work as the defence lawyer for a civil activist accused of defamation against the then-President of Angola.

In 2014, Mr. Ferreira Bambi was representing the family of a *soba* (traditional authority) in the province of Moxico who had been killed. He was reportedly followed when going to the trial and he and a colleague were threatened at the airport when travelling to Moxico for hearings in relation to this trial.

In 2015, Mr. Ferreira Bambi was a defence lawyer in a high-profile criminal case against a group of young human rights defenders. The young human rights defenders faced various charges, including forgery and criminal association, allegedly in relation to their peaceful promotion of democracy and good governance in Angola. During this trial, the mobile phones of Mr. Ferreira Bambi and his colleagues were reportedly hacked, they were

subjected to surveillance outside the court by individuals that some identified as intelligence agents and on two occasions the tires on their vehicles were slashed.

In 2018, Mr. Ferreira Bambi denounced and called for a criminal investigation into the killing of a young man by police officers in Luanda. As a result of this, he was told by police officers not to get involved and “add fuel to the fire.” He also received numerous phone calls from unknown numbers, allegedly to intimidate and dissuade him from taking up this case, and his home and office were allegedly under surveillance at this time.

The threats and intimidation against Mr. Ferreira Bambi have reportedly been increasing in recent years. In 2022, the human rights defender received explicit death threats for his role leading an inquiry into the killing of hundreds of victims allegedly at the hands of security forces in the mining village of Cafunfo on 30 January 2021. Given the highly sensitive nature of this case, the threats and intimidation against Mr. Ferreira Bambi have been heightened since.

On 15 January 2023, Mr. Ferreira Bambi was away from his home to participate in a conference in South Africa. During his absence, his home was reportedly broken into, and documents and other devices related to his work were stolen. He lodged a criminal complaint to the National Police in Luanda under case no.157/23. While an investigation into this break-in is underway, no progress has reportedly been made.

House arrest and detention 5 January 2024

On the morning of 5 January 2024, Mr. Ferreira Bambi was due to appear in court to represent two defendants who had been detained the day before while organising a protest against the conviction of four activists in September 2023.

On the same day, 5 January 2024, five national police agents reportedly arrived at Mr. Ferreira Bambi’s home and placed him under house arrest without a warrant. They chained the gate to Mr. Ferreira Bambi’s residence with a padlock and detained him inside.

Later in the morning, the police officers allegedly forced Mr. Ferreira Bambi to accompany them to the police station in Vila Alice. The officers told Mr. Ferreira Bambi that they did not have a warrant to detain or arrest him, but that they were following orders to bring him to the police station, and threatened to bring him by force if he did not comply. A colleague of Mr. Ferreira Bambi, who was at his home when the police arrived, was also forcibly brought to the police station with no official justification, and they were accompanied by a third colleague.

Mr. Ferreira Bambi and his two colleagues were detained in the Vila Alice police station from approximately 10.30 a.m. to 1.30 p.m. Colleagues of the human rights defender, members of civil society and journalists reportedly went to the police station to ask about Mr. Ferreira Bambi’s whereabouts but were incorrectly informed that he was not there.

Mr. Ferreira Bambi's house arrest and subsequent detention at the police station prevented him from fulfilling his role as the defence lawyer of the two defendants whose hearing was scheduled on the morning of 5 January 2024.

Without wishing to prejudge the accuracy of the aforementioned allegations, we express our serious concern at the recent arrest and detention of Mr. Ferreira Bambi, which appear to have directly interfered with his work as a human rights defender and lawyer. Our concern is further exacerbated by the fact that Mr. Ferreira Bambi's recent detention was not an isolated incident, but rather seems to form part of an increasing pattern of systematic intimidation and interference with his ability to carry out his peaceful and legitimate human rights work.

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.

We are issuing this appeal in order to safeguard the rights of Mr. Ferreira Bambi from irreparable harm and without prejudicing any eventual legal determination.

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 detailed information concerning the factual and legal grounds for the arrest and detention of Mr. Ferreira Bambi on 5 January 2024 and how these measures are compatible with Angola's international human rights obligations as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, acceded to by Angola on 10 January 1992.
3. Please indicate what measures have been taken to ensure that human rights defenders, including human rights lawyers, in Angola can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, violence or criminalization of any kind

We would appreciate receiving a response within 60 days. Past 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.

Further, we would like to inform that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The

present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Ganna Yudkivska
Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following international human rights standards. We draw particular attention to article 9 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Angola on 10 January 1992, which guarantees the right of all persons to liberty and security of person. Article 9, paragraph 2, further stipulates that anyone who is arrested shall be informed at the time of arrest of the reason for their arrest and of any charges against them. Article 19 of the ICCPR further protects the right to freedom of expression. In this context, we recall and stress that "under [no] circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19" (Human Rights Committee, general comment no. 34).

We further wish to recall that in accordance with principle 9 of the Basic Principles and Guidelines on Remedies and Procedures on the Right of Persons Deprived of Their Liberty to Bring Proceedings Before a Court, lawyers must be able to "carry out their functions effectively and independently, free from fear of reprisal, interference, intimidation, hindrance or harassment."

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, 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 draw particular attention to the following provisions of the Declaration:

- article 6, parts a) and b), which guarantee the right of all people, individually and in association with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms and, 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;
- article 9, paragraph (3) part c), which holds that everyone has the rights, individually and in association with others, to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms;

- article 11, which guarantees the rights of everyone to the lawful exercise of their profession; and
- article 12(2), which provides 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.