

**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 3/2024  
(Please use this reference in your reply)

27 November 2024

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 52/4, 52/9 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 against and intimidation of Mr. **Wilker Dias**, in the context of recent elections in Mozambique.

Mr. Wilker Dias is a human rights defender and the Executive Director of civil society platform *Plataforma para Democracia, Cidadania, Direitos e Estudos* (DECIDE).

DECIDE was created in 2023 and focuses on monitoring elections. Since its creation, the platform has been active in the context of the municipal elections held on 11 October 2023 and the presidential, legislative and provincial elections held on 9 October 2024.

On 2 October 2024, in recognition of his contribution to strengthening democracy and defending human rights in Mozambique, Mr. Dias was announced as the winner of the Tulip Award, an annual award of the Dutch government to support human rights defenders.

Special Procedures mandate holders have previously raised concerns about threats and intimidation of human rights defenders, including in AL MOZ 2/2022, dated 16 September 2022. We regret that to date, no response has been received to that communication from your Excellency's Government.

According to the information received:

On 9 October 2024, presidential, legislative and provincial elections were held in Mozambique. While the vote took place in a relatively peaceful atmosphere, there have been numerous allegations of fraud and irregularities in the elections, and the period since the vote has been marked by growing tensions, violence and reports of human rights violations.

On 14 October 2024, Mr. Dias announced on social media that he had travelled to Banjul, the Gambia, to request the intervention of the African Commission on Human and People's Rights, for the annulment and re-run of

the elections in the locations where political participation had reportedly been obstructed. He announced that DECIDE would be presenting evidence of irregularities and human rights violations committed in the context of the elections, including excessive use of force by the police.

On 19 October 2024, reports circulated on social media about a list of seven individuals allegedly being targeted by “death squads” operating for the regime in Mozambique, due to their critical positions. The list includes Mr. Dias, alongside others.

Additionally, an unidentified man arrived at the hotel where Mr. Dias was staying at in Banjul, seemingly making inquiries about his whereabouts and apparently monitoring the movement of persons who were there.

On 21 October 2024, colleagues of Mr. Dias who had also been in Banjul were questioned about the whereabouts of Mr. Dias reportedly by government officials, upon their arrival in Maputo.

On 5 November 2024, Mr. Dias received additional intimidating messages on social media from an individual, followed by a phone call from the same person. During the phone call, the person reportedly told him he should not be providing “logistical support to those preparing a coup attempt in Mozambique” and warning him to be careful about “his safety and that of his son”, as his associates “are very vengeful”.

Without prejudging the accuracy of the information, we wish to express our concern at these acts of intimidation and threats against human rights defender Wilker Dias. We are concerned that Mr. Dias’s prominent and public work defending human rights in Mozambique, and in particular his work related to election observation, may put him at elevated risk of attack. We are particularly concerned that this is at least the second such incident in two years.

We are deeply concerned that this alleged threat may pose a real risk to Mr. Dias’ 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 addition, in her report to the UN General Assembly in 2024, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted the link between stigmatizing rhetorics, such as ‘attempting coup d’etat’ and ‘rioters’ have reinforced “restrictive public order measures to portray activists exercising their right to peaceful assembly as being a “threat to public order”. Besides, “the portray of non-violent protest actions as “extremist”, “golpistas” or “radical” exposes them to further violence”.

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 whether any investigation has been carried out into the threats against and intimidation of Mr. Dias. If no investigations have been carried out, please explain why.
3. Please provide detailed information on measures which have been or can be put in place by competent State authorities to ensure the protection of Mr. Dias from further threats and attacks.

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.

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.

We may 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. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we wish to refer to article 19 and 22 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).

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (CCPR/C/GC/34, para. 23).

We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

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.