

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders**

Ref.: AL AGO 1/2025  
(Please use this reference in your reply)

25 February 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 51/8, 50/17 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the sustained targeting of members of the Vikolôngwa-Mbútwa community, including reports of violent repression during a peaceful protest on 23 November 2024, and of the subsequent arbitrary arrest and detention of seven community members, including Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, Mr. Mwetuyapula Francisco, Mr. Eduardo Mbambi Licino Kessongo, and Mr. Eduardo Tchiama, as a result of their activism in the defence of land rights.**

The **Vikolôngwa-Mbútwa** are a community residing near Chibia in the Huila province. The population's access to their ancestral land is essential for the preservation of cultural heritage and for sustaining their socio-economic livelihood as a rural community, making threats to their land a substantial risk to their welfare. **Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, Mr. Mwetuyapula Francisco, Mr. Eduardo Mbambi Licino Kessongo, and Mr. Eduardo Tchiama** are members of the community that have been engaged in activities aimed at the protection of the community's land rights, including peaceful protests.

According to the information received:

The Vikolôngwa-Mbútwa community have faced persistent attempts at land appropriation by a local landowner, reportedly supported by national police officers. Despite their efforts to engage the municipal administrations of Chibia and Gambos, the community leaders have reportedly encountered intimidation and inadequate responses. The land in question reportedly contains properties and dwellings belonging to the community and has been used by community members for herding and farming for generations.

On 14 August 2024, the community formally requested the intervention of the Municipal Administrator of Chibia to address the land appropriation attempts, which were reportedly carried out with no prior consultation or dialogue with the local population. Meetings were subsequently held on 11 and 13 September 2024, during which community leaders reportedly faced accusations of being

agitators and were allegedly threatened with police repression. The Municipal Administrator reportedly disregarded evidence presented by the community and threatened to deploy police forces after a community member invoked article 37 of the Land Law, which recognises customary rights of communities.

On 23 September 2024, the community appealed to the Provincial Governor of Huíla to address their concerns and to report intimidation. As of the time of writing, they have received no response.

On 23 November 2024, community members attempted to resist alleged illegal excavation work initiated by a local landowner. The excavation involved constructing a three-meter-wide and deep ditch around the disputed area, posing safety risks to residents and animals and signalling forced land appropriation. Despite notifying state security agents of this activity, the community reportedly received no support. Several individuals attempted to peacefully protest the work by occupying the ditch, with the goal of preventing the excavation.

That same day, national police forces arrived in four vehicles to protect the excavator, allegedly using tear gas and rubber bullets to disperse the peaceful protestors. The police reportedly used excessive force on the community members, with incidents including a person beaten with a gun butt leaving a forehead scar, another shot with rubber bullets in the stomach and waist, others shot above the eye, in the leg, and in the knee, and one individual kicked in the bladder three times.

Following the violent dispersal, seven community members, Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, Mr. Mwetuyapula Francisco, Mr. Eduardo Mbambi Licino Kessongo, and Mr. Eduardo Tchiama, were arrested. Reportedly, Ms. Cecília Candumbo and Ms. Francisca Tuahuma, were purportedly subjected to degrading treatment: their wrists were tied to opposite ankles, forcing them into painful positions, with one woman having to crawl to meet basic needs and the other being forced to bend over with her.

After their arrest, the seven individuals were detained at the Quihita police station. The group was reportedly denied access to food and water for more than 30 hours, until an acquaintance of one detainee was granted permission to provide sustenance. The detainees reported being forced to sleep on the floor without blankets, leaving them exposed to cold.

On 25 November 2024, Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, and Mr. Mwetuyapula Francisco were released on bail with restrictive conditions, including biweekly reporting to the Criminal Investigation Services of Chibia Municipality. Mr. Eduardo Mbambi Licino Kessongo and Mr. Eduardo Tchiama reportedly remain in detention in Lubango District, allegedly with no contact with their families, which raises concerns about their physical safety and well-being. Reportedly, while the delivery of certain goods to the place of detention was made possible, the restrictive bail conditions remain burdensome for the community members.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern regarding the reported arrest and detention of Vikolôngwa-Mbútwa community members, including Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, Mr. Mwetuyapula Francisco, Mr. Eduardo Mbambi Licino Kessongo, and Mr. Eduardo Tchiama, as a result of their activism in the defence of land rights, notably during the excavation protest on 23 November 2024. We express our concern that these arrests and detentions of community members appear to have been a direct retaliation for their legitimate human rights activities and the exercise of their right to freedom of peaceful assembly to protest the attempted land appropriation, which might put the community's access to land and livelihoods at risk.

Our concern is heightened by reports indicating the excessive use of force against community members during the dispersal of a peaceful protest, alongside the reported detention conditions and degrading treatment some of them were allegedly subjected to. Notably, these conditions include the denial of basic rights such as access to adequate food and adequate living environments, which are essential to maintaining human dignity and compliance with established legal standards.

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 the factual and legal basis for the arrests of Mr. Sapalo António Kakandi, Ms. Francisca Tuahuma, Ms. Cecília Candumbo Mweyanavi, Mr. Paulo Cambuta Kapaya, Mr. Mwetuyapula Francisco, Mr. Eduardo Mbambi Licino Kessongo and Mr. Eduardo Tchiama, and the prolonged detention of Mr. Eduardo Mbambi Licino Kessongo and Mr. Eduardo Tchaima. Please also provide information about their detention conditions, as well as on the alleged degrading treatment of two of them. Please indicate how the arrest and detention of community members are compatible with international human rights norms and standards.
3. Please provide information on the measures that your Excellency's Government is undertaking to protect the Vikolôngwa-Mbútwa community from the reported attempts of land appropriation and to ensure that any action or decision affecting the community's access to their land, territories and resources is taken with prior consultations and their informed consent and in the respect for their human rights, in line with the national legal framework and international human rights standards.

4. Please explain what measures have been taken to ensure that all human rights defenders in Angola, in particular those working to exercise their right to freedom of peaceful assembly and association can carry out their peaceful and legitimate activities without fear of violence and harassment, or other restrictions.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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 your Excellency's Government 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 letter of allegation 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.

Ganna Yudkivska

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

Gina Romero

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

## 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, 21 and 22 which enshrine the rights to life, liberty and security of the person, freedom of expression and freedom of peaceful assembly and association.

We note that article 21 of the ICCPR recognizes that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded 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 and human rights defenders (A/HRC/26/29, para 22).

Elaborating on the obligations of state parties to the Covenant stemming from article 21 of the ICCPR, the Human Rights Committee, in its general comment No. 37, if the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope of the protection of article 21. Furthermore, the Committee clearly stated that there is a presumption in favour of considering assemblies as peaceful.<sup>1</sup>

Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights).

We would similarly 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

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<sup>1</sup> Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37, paras 16 and 17

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 article 12(2) and (3) of the Declaration, 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.

Both the General Assembly and the Human Rights Council repeatedly urged the States to create and maintain a safe and enabling environment in which human rights defenders can operate free from hindrance, reprisals and insecurity (e.g., the General Assembly resolutions 74/146 (A/RES/74/146) and 70/161 (A/RES/70/161), and the Human Rights Council resolutions 22/6 (A/HRC/RES/22/6) and 13/13 (A/HRC/RES/13/13)). They also repeatedly called upon the States to take all measures necessary to ensure the rights and safety of human rights defenders who exercise the rights to freedom of opinion, expression, peaceful assembly and association (e.g., the General Assembly resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), 66/164 (A/RES/66/164), and the Human Rights Council resolution 22/6 (A/HRC/RES/22/6)).