AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples

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Ref: ACHPR/LPROT/ANG/01/.381/.2012
Date: 30 April 2012

His Excellency José Eduardo dos Santos
President of the Republic of Angola
Office of the Presidency
Luanda
Angola

Subject: REQUEST FOR PROVISIONAL MEASURES UNDER RULE 98 OF THE RULES OF PROCEDURE OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

In my capacity as Chairperson of the African Commission on Human and Peoples' Rights (the African Commission), I wish to bring to Your Excellency's kind attention, a Complaint that has been submitted in terms of Article 55 of the African Charter on Human and Peoples' Rights (the African Charter) against the Republic of Angola (the Respondent State). The Complaint has been lodged by the Centre for Human Rights, University of Pretoria (the Complainant) on behalf of David Mendes (the Victim).

The Complainant alleges that human rights violations are committed by the Respondent State against the Victim who is a human rights lawyer, activist and President of the Popular Party (Partido Popular), a leading opposition party in the Respondent State.

The Complainant states that under the 2010 Constitution of Angola, the President is no longer directly elected, as was the case under the 1992 Constitution. Rather, "*The individual heading the national list of the political party or coalition of political parties which receives the most votes in general elections held under the terms of Article 142 onwards of this Constitution shall be elected President of the Republic and Head of the Executive.*"[1] It is in line with this that the Victim will be running for President in the forthcoming elections of 2012, the Complainant states.

[1] Art 109(1) of the 2010 Constitution of Angola.

The Complainant submits that the Victim has been heading Mãos Livres, the leading association of lawyers, where he served as President until 30 August 2011. It submits that the Victim resigned from Mãos Livres so as to concentrate on his campaign for Presidency in the elections.

The Complainant submits that, this Complaint is made with regard to the Respondent State's violations of the Victim's rights contrary to the provisions of the African Charter which have occurred since March 2011 when the Victim announced his support for a demonstration that was planned for 7 March 2011. The Complainant alleges that the violations have continued, in particular since he announced his candidature for the Presidential elections and since he subsequently brought a private criminal complaint before the Attorney General's Office accusing President Eduardo dos Santos of embezzlement and corruption.

The Complainant alleges further that the Respondent State has instigated, participated in, been complicit in, and allowed violations of the Victim's rights by intentionally committing, or failing to investigate credible allegations of the violation of the following unlawful acts: issuing death threats against the Victim and his family; destroying the Victim's motor vehicles and other vehicles belonging to Mãos Livres; organising an assembly of a threatening mob at the Victims' house in June 2011 accompanied by State television; falsely and maliciously accusing the Victim of subversive acts in respect of a Complaint he made accusing President dos Santos of corruption and embezzlement of public funds and calling for investigations; destroying the Victim's car while he was in Benguela organizing political activities on 31 March 2012, and shooting the offices of Mãos Livres in Luanda with a machine gun.

The Complainant states that the urgency of the matter is exacerbated by the nearness of the Presidential elections in the Respondent State, which the Victim intends to contest.

Your Excellency, the Complainant has requested the African Commission to invoke Rule 98 of its Rules of Procedure, and issue Provisional Measures to prevent any imminent danger to the Victim's life by virtue of the death threats he has received and the attacks on his life and property.

In that regard, and without drawing any conclusions from these allegations, the African Commission respectfully request Your Excellency to intervene in the matter and issue the following Provisional Measures:

- The Respondent State should immediately refrain from any actions, measures or threats to the life and personal security of the Victim and his family;

- The Respondent State should investigate the death threats and other attacks on the life and personal security of the Victim and his family; and
- The Respondent State should allow the Victim to exercise his right to participate as a candidate in the forthcoming elections, and provide equitable access to state controlled media during the campaign period as required by the African Charter and the Angolan Constitution. This is in line with Article 17 of the African Charter on Democracy, Elections and Governance.

I would like to indicate that the grant of Provisional Measures pending consideration of the aforementioned Communication by the African Commission does not in any way affect the final position of the African Commission on the Communication.

Let me also inform Your Excellency that as part of my responsibility, I am required to report to each Ordinary Session of the African Commission on the actions that I have taken in my capacity as the Chairperson and as a Member of the African Commission. In that regard, the contents of this communication as well as any response received from Your Excellency will be included in my report to the 52nd Ordinary Session of the African Commission.

Please accept, Your Excellency, the assurances of my highest consideration.

Honourable Commissioner Catherine Dupe Atoki
Chairperson of the African Commission on Human and peoples' Rights

cc: Ministry of Foreign Affairs of the Republic of Angola

cc: Ministry of Justice of the Republic of Angola

cc: Embassy of the Republic of Angola in Addis Ababa, Ethiopia

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Commission Africaine des Droits de l'Homme et des Peuples

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Le Secrétariat de la Commission africaine des droits de l'homme et des peuples (le Secrétariat) présente ses compliments à l'Ambassade de la République Algérienne Démocratique et Populaire à Dakar et a l'honneur d'accuser, avec reconnaissance, réception de sa Note Verbale Réf : 083/S.CULT/12 du 4 mai 2012 par laquelle l'Algérie accepte d'accueillir les réunions de la Commission africaine et de la Cour africaine.

Le Secrétariat voudrait informer la Distinguée Ambassade que, relativement à la réunion conjointe de la Commission africaine et la Cour africaine, ainsi qu'à la 12ème Session extraordinaire de la Commission africaine prévue du 24 juillet au 4 août 2012 à Alger, le Secrétariat aimerait effectuer une mission préparatoire à Alger du 18 au 19 juin 2012.

La délégation du Secrétariat comprendra les membres du personnel suivants :

1. M. Philbert Bayeka – Finances et logistique ; et
2. M. Reginald Mere – Protocole.

Le Secrétariat saurait gré à la Distinguée Ambassade de bien vouloir confirmer si les dates du 18 et 19 juin 2012 sont convenables, de même que faciliter le déroulement de ladite mission préparatoire, notamment en réservant les attentions habituelles aux membres de la délégation. A cet égard, le Secrétariat tiendra l'Ambassade informée de l'itinéraire des membres de la délégation dès la confirmation de leur programme de voyage.

Le Secrétariat de la Commission africaine des droits de l'homme et des peuples saisit cette occasion pour renouveler, à l'Ambassade de la République Algérienne Démocratique et Populaire à Dakar, les assurances de sa très haute considération.

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS SECRETARIAT AU-UA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

Banjul, le 23 mai 2012

Ambassade de la République
Algérienne Démocratique et Populaire
Dakar, Sénégal