

COMMUNICATION TO

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

IN THE MATTER BETWEEN

THE CENTRE FOR HUMAN RIGHTS

(ON BEHALF OF DAVID MENDES) (THE VICTIM)

AND

THE REPUBLIC OF ANGOLA (THE RESPONDENT)

COMMUNICATION, INCLUDING URGENT REQUEST FOR PROVISIONAL

MEASURES

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A Background

1. This Communication is submitted against the Republic of Angola, which became a state party to the African Charter on Human and Peoples' Rights (the Charter), when it ratified it on 2 March 1990.

2. The Author (or Complainant) is the Centre for Human Rights (CHR), Faculty of Law, University of Pretoria, South Africa. The CHR is a human rights non-governmental organization that advocates for the promotion and protection of the rights of all people in Africa, and enjoys observer status with the African Commission on Human and Peoples' Rights (African Commission). The Complainant files this communication on behalf of David Mendes (the Victim). The communication is submitted by the Complainant, rather than the Victim, in order to secure as far as possible the Victim's bodily integrity that a direct submission of a Communication against the Respondent may occasion.

3. The Victim is a human rights lawyer, activist and President of the Popular Party (Partido Popular), an opposition party to the ruling Peoples' Movement for the Liberation of Angola (MPLA) Party, led by Jose Eduardo dos Santos. Under the 2010 Constitution of Angola, the President will no longer be directly elected, as was the case under the 1992 Constitution. Instead, the person that heads up the list of the party that gains the most votes in the National Assembly proportional representation election will automatically become President.¹ It is in this sense that the Victim will be 'running for President' in the forthcoming elections. Under Angolan electoral legislation, a party intending to contest the election is required to obtain a significant number of signatures in the provinces of Angola before it can be registered for the elections: 5 000 signatures in Luanda Province, and 500 signatures in each of the other 17 provinces, totaling 13 500 signatures.

4. The Victim has been in the leadership of Mãos Livres, the leading association of lawyers dedicated to litigating fundamental human rights cases in Angola, especially those violations perpetrated by the State, where he served as President

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

until 30 August 2011. The Victim resigned from the leadership of Mãos Livres to enable him to concentrate on his campaign for Presidency in the election to be held in 2012.

5. The Victim has litigated on behalf of several victims of human rights abuses, a number of cases against the government and provincial government officials. This includes the appeal of a criminal sentence in Namibe province against a Voice of America reporter, who was sentenced to a one year imprisonment for defamation. Mendes also represented William Tonet, the publisher of the weekly Luanda Newspaper "Folio8". In early October 2011, Tonet was convicted of defamation and sentenced to a one-year jail sentence, which was suspended, and a \$100,000 fine which the judge ordered to be paid within five days (by Monday, 17 October 2011). Over that weekend, a demonstration of 700-1000 persons occurred in Luanda. These demonstrators demanded an end to President dos Santos 32-year rule, and with Mendes' and other human rights NGOs sponsoring a collection of funds to pay Tonet's \$100,000 fine. Tonet remained free in the following days, although the collection effort did not reach \$100,000. In March 2012, government officials invaded the newspaper's offices and seized all the computers used to publish the paper.

B Facts

B1 Summary of facts

6. The facts set out below provide a summarized version of and are based on the version of the Victim and other affected parties, as well as the additional sources listed at the end of this Communication.

7. This Communication is made with regard to Angola's violations of the Victim's rights contrary to the provisions of the Charter that have occurred in the Republic of Angola since early March 2011, when the Victim announced his support for a demonstration that was planned to be held on 7 March 2011. The violations have continued, in particular since he announced his candidature for the presidency in the upcoming elections (to be held sometime 2012), 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 submits that the state of Angola has instigated, participated in, been complicit in, and/or allowed violations of the Victim's rights by intentionally committing, or failing to investigate credible allegations of the violation of the following unlawful acts:

- a) Issuing an escalating pattern of death threats against the Victim;
- b) Vandalizing the Victim's motor vehicles and other vehicles belonging to Mãos Livres;
- c) An assembly of a threatening mob at Mendes' house in June 2011 accompanied by State television;
- d) Vilification of the Victim by the Luanda Provincial Secretary of the governing MPLA party;
- e) Falsely and maliciously accusing the Victim of subversive acts in respect of a complaint made by the Victim accusing President dos Santos of corruption and embezzlement of public funds calling for investigations;

- f) Vandalism against the Victim's car while he was in Benguela organizing political activities on 31 March 2012, and an attack by machine gun fire directed against the offices of Mãos Livres in Luanda, some time earlier.

B2 Statement of facts

8. On 4 March 2011, the Victim's life was threatened and his property vandalized. This took place a few days before a demonstration against the government, for which the Victim had affirmatively pledged his support, was suppressed with arrests on 7 March 2011. The Victim's cars and cars of other Mãos Livres attorneys were vandalized by an unknown mob. Further on 3 September 2011, a protest demonstration was held in Luanda, which was stopped by government authorities with arrests of the participants. The participants were tried in a police court and sentenced to 45 to 90 days in jail.
9. In June 2011, a group of fifty men assembled at the Victim's house accompanied by a State television crew. This group was reported in the press as demanding payment for having participated in demonstrations at the instance of Mendes and in exchange for his promise to pay them, a charge for which there is no evidence and which the Victim has vehemently denied. This assembly at the Victim's house and the escalating pattern of death threats which have been directed against the Victim and his family constitute victimization against him for exercising his rights under the Angolan Constitution to represent victims of human rights violations by the Angolan Government and to assist such victims in vindicating their rights.
10. Further on 3 September 2011, a protest demonstration was held in Luanda. The protest was stopped by government authorities with arrests of the participants. The participants were tried in a police court and sentenced to 45 to 90 days in jail. The

Victim appealed on behalf of the participants to the Supreme Court and the decision was delayed until October 2011.

11. On 20 September 2011, the Luanda Provincial Secretary of the governing MPLA party accused the Victim of trying to lead an insurrection and overthrow the government of President Eduardo dos Santos. This vilification is yet another form of threat that the state has used against the victim contrary to his right to political participation and freedom of expression.
12. On 10 October 2011, the Victim lodged a complaint with the Attorney General on allegations of embezzlement of public funds by Jose Eduardo dos Santos, President of the Republic and other leaders of the party in power. The Victim has stated publicly that he is in possession of proof of transactions of \$37 million in bank accounts in Panama, and has further charged the state oil company, Sonangol, with illegally depositing \$700 million into accounts of high government and MPLA party officials. In January, 2012, it was announced that the president of Sonangol, the state oil company, was moving to the office of the presidency where the President is to head government activities on economic matters. This action further exacerbated the Victim's situation with more threats as mentioned in paragraph 7 above. It is widely believed that the former head of Sonangol is under consideration to be in a position to succeed President dos Santos, either if the latter withdraws from the campaign or following the elections.
13. On 24 February 2012, the Victim was detained for five hours by the National Directorate of Criminal Investigation (NDCI) in Luanda where he was interrogated over the complaint he filed with the Attorney General. The charges of subversion have been intensified after the Victim and his party, the Popular Party, published a pamphlet describing the evidence which they had to the effect that President

Eduardo dos Santos was guilty of specific acts of embezzlement and corruption. In this respect, he was accused of subversive acts against the State on account of the allegations of corruption and embezzlement he made against President dos Santos.

14. To this present day, no report of further action by the Attorney General's office against the President and his allies has been furnished, notwithstanding the lodgment of the complaints mentioned above. Instead the Victim was summoned and interrogated by NDCI for having lodged a complaint against the President as stated in paragraph 12.
15. The Victim has also been receiving several anonymous phone calls some of which said, *"If you want to live you better shut your mouth, because your days are numbered"*, while others said, *"David Mendes, you are going to die because you accused our President, of corruption and this accusation has a price, of death."* Close family members of the Victim were also called out by unknown persons who alleged that these same persons would have their days numbered due to the fact that an accusation had been made by the Victim against President José Eduardo dos Santos. The family of the Victim lives in fear that some abnormal situation may occur to them and the Victim.
16. Because of the state's deliberate failure to take effective action on previous complaints relating to death threats against the Victim, his family and associates; the vandalism against his cars and those of other Mão Livres attorneys; the assault on his house in Luanda; and the invasion and occupation of the Popular Party headquarters, the Victim is in a situation where further pursuit of the domestic remedies ordinarily available to persons in a situation like his entail grave risks to his physical security, and hold no promise of relief given the prior pattern of inaction on his complaints.

C Request for provisional measures

17. The Complainant seeks the urgent intervention of the Commission in order to prevent any imminent danger to the Victim's life by virtue of the death threats he has continued to receive and the attacks on his life and property. Under Rule 98 of the Commission's Rules of Procedure (2010), at any time after a Communication has been filed and before a determination on merits, the Commission may issue a provisional measure to prevent irreparable harm to the victim or victims of the alleged violation as urgently as the situation demands. There is no requirement under the Rule 98 that the provisional measure may only be issued after a decision on the admissibility of the communication has been taken.

18. Indeed, the Commission has issued provisional measures prior to the consideration of admissibility on several occasions. In *Miss A v Cameroon*,² for instance, the Commission adopted a provisional measure urging Cameroon to ensure that the victims, who were in prison, were provided adequate medical care. Similarly, in *Open Society Justice Initiative (on behalf of Njawe Noumeni) v Cameroon*³ the Commission sent an urgent request for the adoption of provision measures in accordance with the provision of Rule 111 (now Rule 98) its Rules of Procedure on 15 July 2004, even before the Commission was seized of the communication. The Commission only considered the communication and decided to be seized of it during its 36th ordinary session, which was held between 23 November and 7 December 2004. The provisional measure was issued before the Commission considered the admissibility of the communication, which was only decided on 27

² Communication 258/2002, (2004) AHRLR 39 (ACHPR 2004), paras 7 and 8. See also *Bakweri Land Claims Committee v Cameroon*, Communication 260/02, (2004) AHRLR 43 (ACHPR 2004), paras 16 and 17.

³ (2006) AHRLR 75 (ACHPR 2006).

April 2005 at its 37th ordinary session. The Complainant, therefore, requests the Commission to adopt a similar approach in the instant case in light of the urgency warranted by the Victim's circumstances. The law and practice of the Inter-American Commission on Human Rights also supports a conclusion that provisional measures may be taken at any time after the submission of a communication and before the decision on admissibility.⁴ In fact, the Inter-American Commission can issue, and has issued, provisional measures even in the absence of a communication.

19. It is the Complainant's submission that the African Commission should issue provisional measures in the instant case before a decision on admissibility is taken. The Victim stands to suffer irreparable harm if no such measures are ordered as a matter of urgency. Given the seriousness and intensification of the death threats, the vandalism and attacks on the victim and his family, the Victim may either be killed or suffer bodily injury at any time. Moreover, the news of submission of a communication to the Commission is very likely to be followed by further threats and attacks. It is therefore of utmost importance that the Commission immediately issues a request to the Government of Angola to provide protection to the Victim and his family and immediately investigate the death threats and attacks. The nearing of the forthcoming presidential elections, which the Victim intends to contest, adds further urgency. Although there has not been any official declaration of the dates for the elections, there is information that elections might be held as early as September 2012. In the absence of an immediate protection in the form of provisional measures, the Victim will not be able to conduct his election campaigns freely and without fear. An immediate provisional measure will enhance the potential of holding free and competitive democratic elections.

⁴ Rules of Procedure of the Inter-American Commission on Human Rights (2009), Rule 25(2).

20. It is the Complainant further submission that the request for provisional measures does not prejudice the merits of the communication as envisaged in Rule 98(5) of the Commission's Rules of Procedure.

21. In view of the facts outlines above, the Complainant requests the Commission to issue the following provisional measures:

a) The government of Angola should immediately refrain from any actions, measures or threats to the life and personal security of David Mendes and his family.

b) The government of Angola should provide protection to David Mendes and his family and should investigate the death threats and other attacks on the life and personal security of the Victim and his family.

c) The government of Angola should provide protection to the Victims to enable him to exercise his right to participate as a candidate in the forthcoming election, and provide equitable access to state controlled media during the campaign period as required by the African Charter, the Angolan Constitution, in line with article 17 of the African Charter on Democracy, Elections and Governance.

d) The government should enable the Victim to collect the signatures in all the provinces of Angola by guaranteeing his safety and by providing the necessary protection for him to travel freely to the provinces to obtain the required number of signatures.

e) The government should also extend the deadline for the submission of the signatures in order to compensate for the lost time and opportunity due to government persecution, which has jeopardized the Victim's election campaign.

D Admissibility

D1 General requirements

22. David Mendes' is a national of Angola, a state party to the African Charter. The alleged violations of the Victim's rights have occurred within the territory of Angola. The Complainant has the standing before the African Commission to challenge on the Victim's behalf the violation of any right protected by the Charter. The Commission, therefore, has both material and personal jurisdiction over the case.

23. The requirements for admissibility established under Article 56 of the Charter have been met: the identity of the author has been indicated; the complaint is compatible with the Charter and the Constitutive Act of the African Union; is not written in disparaging and insulting language; is based on the testimony of the victim and reports of different human rights organizations and not exclusively on news disseminated through the mass media; is sent within a reasonable period of time, taking into consideration the facts of the case; and does not deal with a case which has been submitted to, or settled by, any other procedure of international investigation or settlement. The issue of exhaustion of domestic remedies is addressed below.

D2 Exhaustion of local remedies

24. The Victim cannot exhaust domestic remedies in Angola because such remedies do not meet the Commission's requirements of availability, effectiveness, and sufficiency. In *Jawara v The Gambia*,⁵ the Commission held that 'the existence of a remedy must be sufficiently certain, not only in theory but also in practice, failing

⁵ACHPR 2000, paras 31 and 32

which, it will lack the requisite accessibility and effectiveness'. The Commission further stated that a remedy is considered available if the petitioner can pursue it without impediment; it is deemed effective if it offers a prospect of success, and it is found sufficient if it is capable of redressing the complaint. These three major criteria were recently reiterated by the Commission in *Mohammed al-Asad v The Republic of Djibouti*.⁶

25. The principal ex post facto remedy for the type of actions perpetrated against Mr. Mendes in Angola is the investigation of the allegation of death threats and embezzlement, and, if necessary, the criminal prosecution of those responsible. According to the African Commission, it is the obligation of the state to investigate, prosecute and punish violations of a victim's rights of which it is deemed to be aware, and of which it has been informed. The Commission set out this principle in *Malawi African Association and Others v Mauritania*,⁷ *Amnesty International and Others v Sudan*.⁸ In *Zimbabwe Human Rights NGO Forum v Zimbabwe*,⁹ the Commission held that

the primary responsibility for the protection of human rights in a country lies with the government of that country... The responsibility of maintaining law and order in any country lies with the state specifically with the police force of that state. As such, it is the duty of the state to ensure through its police force that, where there is a breakdown of law and order, the perpetrators are arrested and brought before the domestic courts of that country. Therefore any criminal processes that flow from this action, including undertaking investigations to make the case for the prosecution are the responsibility of the state concerned and the state cannot abdicate that duty.

⁶Communication Nos. 383/2010.

⁷ACHPR Nos.54/91, 61/91, 98/93, 164/97-196/97, 210/98 (2000), paras 142.

⁸ACHPR Nos. 48/90, 50/91, 52/91, 89/93 (1999), para 51.

⁹ACHPR No. 245/02 (2006), paras 68-70.

26. In the *Article 19 v Eritrea*,¹⁰ the Commission held that the fact that the state has not taken any action in relation to alleged violations which it had been made aware demonstrates that domestic remedies are either not available or if they are, not effective or sufficient to redress the violations alleged.
27. Considering the pattern of harassment and intimidation, including the vandalism and death threats which may have been intended to generate a fear of lynching (e.g. the attack on his home in June, 2011, and the hostile occupation of the Popular Party's headquarters in December, 2011), and the fact that he has been publicly vilified by the Luanda party secretary of the MPLA, Bento Bento, and the latter's subsequent appointment as governor of Luanda province in Angola, the requirement of exhaustion of domestic remedies for admissibility of a communication before the Commission has been satisfied.
28. In addition, the Victim reported his complaints of threats and vandalism to the police on a number of times and no investigations or any other action has been taken. Instead of redress through an effective investigation of his complaint, the Victim has continued to receive a wide range of death threats to his life, his family members and his close associates. These threats have effectively impeded his access to local remedies.
29. The Victim also lodged a complaint with the Attorney General based on the corruption report but to-date no action has been taken by the Attorney General. The Attorney General has informed the Victim that the Office will not proceed with the complaint against the President as it lacks competence under the Angolan Constitution. There is, therefore, no remedy available under the Angolan legal system. Rather than investigating the complaint, the Attorney General informed the

¹⁰¹⁰ See *Article 19 v Eritrea*, para 77.

Victim that he was going to be charged with subversion, and was subjected to five hours of questioning by police officials and prosecutors at the National Directorate of Criminal Investigations. Hence, it is the Complainant's contention that there are no available domestic remedies, and, even if there are, they have been exhausted or are otherwise ineffective in the circumstances.

30. In addition, any attempt to pursue judicial remedies at this point would necessarily involve undue delay, particularly as Angola is nearing elections. In short, no effective legal remedies exist that might be invoked to protect Mendes's right to life and other fundamental rights, particularly in view of the risks to his person, family and associates that such further complaints could entail.
31. The Complainant further contends that the Victim could not exhaust local remedies because there are no provisions in the national laws of Angola allowing them to seek remedies for the violations alleged. Articles 133 and 135 of the Constitution of Angola provide for immunity for the head of state during and after his or her term of office. This implies that no local remedy can be sought on the failure to investigate the allegations of embezzlement complaint. Indeed, the Attorney General has informed the Victim that his Office does not have the competence to proceed with the complaint against the President.
32. The Complainant further submits that the issue of death threats and vandalism of the Victim's property is intertwined with that of embezzlement of state funds by the Respondent, since the death threats emanated from the fact that the Victim lodged a complaint against such embezzlement with the Attorney General. Therefore, if this Honourable Commission finds that the President is indeed immune under the Constitution of Angola in respect of the embezzlement accusations and, therefore,

no local remedies are available to the Victim, the Complainant submits that this Commission should dispose of all issues simultaneously, including those on the death threats and vandalism since these issues cannot be divorced from each other.

E Violations of the African Charter on Human and Peoples' Rights

33. It is the Complainant's contention that the foregoing actions of the state constitute an infringement of Victim's fundamental rights and liberties as guaranteed in the African Charter, in particular, but not limited to, articles 1, 4, 6, 9, 10, 11, 12, 13 and 21(2).

Articles 4, 6 and 12: Respect for life, integrity and security of the person

34. The Victim suffers a constant state of fear and threat for his life since March 2011, in violation of the right to life and integrity of person under Article 4. The Victim received death threats issued against him and members of his family. In June 2011, a violent mob attacked the Victim's house accompanied by State television crew, in a manner likely to induce fear of possible lynching or other physical harm. The Victim's house, his cars and the cars of Mãos Livres were vandalized. These attacks coupled with the several anonymous phone calls threatening him with death if he does not shut his mouth about the President constitute a series violation of the right to life and integrity guaranteed under article 4 as well as the right to security of the person under article 6 of the Charter. The phone calls explicitly said that "*....this accusation [against the President] has a price, of death.*" Such conduct constitutes an infringement of the Victim's rights to life and his inviolable dignity. Although the Victim is alive, he reasonably fears for his life and continues to suffer from psychological and emotional damage due to threats.

35. Because of the threats and other acts of intimidation he has been receiving, the Victim was forced to leave his home and stay with friends in secure locations. These actions violated his right to freedom of movement and residence guaranteed under article 12 of the Charter.

Articles 10 and 11: the right to free association and assembly

36. The freedom of association allows individuals to join together to pursue and further collective interests in groups, such as by forming NGOs to advocate for the rights of citizens. It encompasses the right to form and join association freely. But in order for the right to be enjoyed, once established, associations must be free from interference from the government. In the case of *Lopez Burgos v Uruguay*,¹¹ the UN Human Rights Committee found violations of the freedom of association when trade-union activists were subjected to harassment by authorities because of their trade-union activities.

37. In the present case, the head quarters of Mao Livres in Luanda were occupied and vandalised by government forces in December 2011. Shots were also fired at the head quarters. The head quarters of the Popular Party were similarly invaded and vandalised by an unknown mob. These occupations and invasion and the failure of the government investigate and take appropriate measures against those responsible constitutes a series violation of articles 10 and 11 of the African Charter in so far as the threats and vandalism of the Victim's and NGO's property are acts calculated to unlawfully interfere with the free assembly and association of the Victim and other members of the NGO (Mãos Livres).

¹¹ Communication No. 52/1979.

Article 13: The right to participate freely in the government his country

38. The intensification of the attacks against the Victim, including the death threats and vandalism of his property, due to his aspiration and declaration of his candidature for presidency is an infringement of the Victim's right to freely participate in the governance of his own country, in violation of the provisions of Article 13 of the Charter.

39. In the case of *Mpaka-Nsusu v Zaire*,¹² the UN Human Rights Committee found that Zaire had violated article 25 of the International Covenant on Civil and Political Rights (ICCPR) by persecuting André Alphonse Mpaka-Nsusu for his political opinions because, notwithstanding the entitlement to stand for the presidency under Zairian law, he was not so permitted. In the present case, the vilification and death threats against the Victim is tantamount to persecution based on his political opinions. This violates article 13 of the Charter which is the equivalent of article 25 of the ICCPR.

Article 21 and 9: The right to lawful recovery of national resources

40. The Respondent's failure to take action on and further investigate the allegations of embezzlement of state funds constitutes a deprivation of the Angolan people of their wealth and resources. This is in violation of the people's right to freely dispose of their wealth and to exercise all rights ancillary thereto in the interest of the Angolan people as guaranteed under article 21 of the Charter. The Victim's efforts to pursue the matter in the domestic avenues have been deliberately frustrated and denied by the state. When the Victim lodged a complaint with the Attorney General's Office, the death threats were intensified. Later, on 24 February 2012, the Victim was summoned and interrogated by the Directorate of Criminal Investigation in Luanda over the corruption accusation against President dos Santos. The Attorney General's

¹²(2001) AHRLR 17 (HRC 1986).

Office has now notified the Victim that it will not proceed with the embezzlement complaint on the grounds that it lacks competence to do so. Since the Victim lodged the complaint of embezzlement, he has been accused of subversion. The accusations of subversion have been intensified especially after he and the Popular Party published a pamphlet in which they describe the evidence they had to the effect that President Eduardo dos Santos was guilty of specific acts of embezzlement and corruption. This constitutes a violation of the right to express and disseminate ones opinion guaranteed under article 9 of the Charter.

41. In summary, the major cause of the threats against the Victim is the fact that the Victim is an outspoken critic of the legality of government actions and a credible contender for Presidency in the forthcoming elections. He is seen as a major threat by the Government particularly in view of his documented charges of corruption against the President and his close associates. The threats against him are, therefore, intended to either permanently incapacitate him (through death) from pursuing his political career, or to frustrate and/or inhibit his campaign for presidency in accordance with the principles of free and fair elections, as well as to inhibit his active use of the legal system to defend victims of violations of human rights by the government.

42. The Complainant, therefore, submits that the state of Angola has violated articles 4, 6, 9, 10, 11, 12, 13 and 21(2) of the Charter. The Victim is entitled to the enjoyment of all the rights enshrined in the Charter without inhibition.

Article 1: Recognizing and adopting measures to give effect to Charter rights

43. Angola ratified the Charter on 2 March 1990. As a State Party to the Charter, Angola has primary responsibility for the protection of human rights in Angola. Angola failed to adopt measures to ensure respect for the Victim's rights, to guarantee the

enjoyment of the protected rights, and to provide redress to the complaints of the Victim.

44. In *Jawara v the Gambia*,¹³ the Commission held that failure to recognize any provision of the Charter automatically constitutes a violation of article 1. Similarly, therefore the Respondent, in committing the above mentioned violations, has automatically violated article 1 of the Charter.

F Finding and recommendations

45. In view of the facts set forth above, the Complainant requests the Commission to find the government of Angola in violation of articles 1, 4, 6, 9, 10, 11, 12, 13 and 21(2) and other relevant provisions

46. It further urges the Commission, on the basis of these findings, to recommend an immediate, effective and impartial investigation into the complaints relating to the death threats to the Victim, Mr Mendes, and the allegations of embezzlement and corruption directed by him against the President of the Republic and other leaders of the party in power.

G Conclusion

47. In light of the points of law and facts mentioned above, and without prejudice to any facts, points of law, and evidence which may be introduced at later stages, the

¹³ (2000) AHRLR 107(ACHPR 2000), para 46.

Complainant respectfully requests the Commission to be seized of this complaint, and to recommend, without delay, the provisional measures, as requested above.

48. The Complainant will make more comprehensive submissions on admissibility and the merits if and when invited to do so.

49. The Centre for Human Rights declares that, to the best of its knowledge, the information given in this communication is complete and correct.

Frans Viljoen

Director, Centre for Human Rights

2012-04-20

Annexure: List of additional sources

Elections in September, 2012. See Eleições gerais de setembro terão como lema “Vota pela paz e pela democracia”, Círculo Angolano Interlectual, Abril 14, 2012. Link: <http://www.circuloangolanointelectual.com/?p=13281>¹ Appeal of conviction of journalist in Namibe province, supreme court decision

Teodoro Albano (Namibe) Angola: “Jornalista da VOA libertado; Armando Chicoca, libertado após pagamento de 2.400 dólares de fiança e um mês de prisão, promete continuar a lutar pela verdade,” VOA News, Voz da America, 6 de abril 2011. Link: http://www.voanews.com/portuguese/news/04_05_11_Chicoca_lawyer-119268454.html

Tonnet defamation sentence and fine; October 16 demonstration. Source: See RFI Portugês, ANGOLA / JUSTIÇA, Liliana Henriques, William Tonet condenado a um ano de prisão com suspensão de pena condicionada ao pagamento de uma multa,” 10 de Outubro de 2011. Link: <http://www.portugues.rfi.fr/africa/20111010-william-tonet-condenado-um-ano-de-prisao-com-suspensao-de-pena-condicionada-ao-paga>

Committee to Protect Journalists, “News Alert: Angolan police seize independent newspaper's computers,” New York, March 12, 2012. Link: <http://cpj.org/africa/angola/>

March demonstrations and death threats: See Human Rights Watch: “Angola: Intimidation Campaign to Stop Protest” ; Death Threats Against Opposition, Arbitrary Arrests of Activists, Journalists,” March 9, 2011. Link: <http://www.hrw.org/news/2011/03/09/angola-intimidation-campaign-stop-protest>

September demonstrations and arrests: See Human Rights Watch (Johannesburg), “Angola: Free Demonstrators Unfairly Convicted; Investigate Police Role During September Demonstration,” September 14, 2011. Link: <http://www.hrw.org/news/2011/09/14/angola-free-demonstrators-unfairly-convicted>

Voice of America, “VOA Statement on Beating of its Reporter in Angola,” summarized in VOA News, “VOA Deplores Beating of Journalist in Angola,” September 07, 2011. Link: <http://www.voanews.com/english/news/africa/VOA-Deplores-Beating-of-Journalist-in-Angola-129391928.html>

Human Rights Watch, Angola: Free Demonstrators Unfairly Convicted; Investigate Police Role During September Demonstration, September 14, 2011. Link: <http://www.hrw.org/news/2011/09/14/angola-free-demonstrators-unfairly-convicted>

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