14 March 2012

Angola: Eight years on, human rights defenders in Cabinda continue to struggle to see their right to freedom of association fully respected

Today marks the 8th anniversary of the “Proclamation of Mpalabanda”. On 14 March 2004, the establishment of Mpalabanda (Mpalabanda – Associação Cívica de Cabinda) was officially announced during a gathering of its members and partner organisations. Two years later, on 20 July 2006, Mpalabanda was banned by the Provincial Court of Cabinda under the accusation of inciting violence, even though there was no evidence to support that accusation. Six years on, the judicial authorities continue to refuse to hear the organisation’s appeal against the ban.

Mpalabanda was the only local human rights organisation active in Cabinda. It documented human rights violations committed by both the Angolan government and the Front for the Liberation of the Enclave of Cabinda (FLEC).

In August 2006, following the ban, Mpalabanda representatives lodged an appeal to the Supreme Court (Tribunal Supremo) in the capital Luanda. The judicial authorities have not followed up to date and a hearing has never been scheduled.

After more than five years, in November 2011, former members of Mpalabanda along with other human rights defenders and civil society representatives signed a petition and submitted it to the Supreme Court. The petition demands that the Supreme Court considers the appeal lodged by Mpalabanda in 2006. While acknowledging that the court system is confronted with a significant backlog, the petition points out that the appeal filed by Mpalabanda has remained pending for more than double the average waiting period for similar cases.

The undersigned international and national organisations fully support the Angolan civil society petition and urge the Angolan Supreme Court to immediately give course to the appeal without any further delay. International jurisprudence has widely acknowledged that excessive delay constitutes a denial of justice.

The undersigned organisations also express their concern at the restrictions on the right to freedom of expression, association and assembly that continue to occur in Cabinda. In February, March and April 2011, a number of anti-government protests were banned or dispersed, and participants were arrested. In July 2011, nine civil society activists who intended to present a letter to a visiting delegation of European Union representatives were arrested by police and charged, before being eventually acquitted the following month.

In 2010, on the pretext of investigating the attack against the Togolese national football team,

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1 Mpalabanda published the following reports before the ban: Cabinda, Um Ano de Dor – 2003 (Cabinda, One Year of Pain); Cabinda, o Reino da Impunidade – 2004 (Cabinda, Kingdom of Impunity); Cabinda, entre a Verdade e a Manipulação – 2005 (Cabinda, Between Truth and Manipulation).
which left two people dead and nine injured, the Angolan authorities launched a crackdown on human rights defenders and government critics in Cabinda. Four human rights defenders, including former members of Mpalabanda, and several other civil society activists were charged with unspecified crimes against the security of the state under a 1978 law, but no evidence was brought against them to prove any involvement in the attack. Some of them were sentenced to between three and six years' imprisonment under Article 26 of Law 7/78. They were all eventually released between September and December 2010, and a parliamentary review of the abusive Article 26 of Law 7/78 was carried out.

We wish to remind the Angolan authorities of their human rights obligations and their commitments to uphold freedom of expression, association and assembly and respect the legitimate role of human rights defenders. We welcome that the Angolan Government accepted the recommendations made during its examination under the Universal Periodic Review (UPR) in 2010, in particular to “Guarantee human rights defenders full legitimacy and protection” and to “Pursue an open dialogue with human rights defenders, in particular in Cabinda”. Consideration of the Mpalabanda appeal and the withdrawal of the ban would constitute important steps in the implementation of such recommendations.

We therefore urge the authorities in Angola to:

1. Proceed without any further delay to examine the appeal lodged by Mpalabanda in 2006, and ensure full respect of fair trial guarantees including in particular the objectivity and impartiality of the review;
2. Ensure full respect of the right to freedom of peaceful assembly;
3. Take measures to ensure public recognition and full respect of the legitimate role that human rights defenders play in society including by scrutinising the government's human rights records and expressing criticism;
4. Guarantee in all circumstances that all human rights defenders in Cabinda are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

Signatories:

ACAT France
Associação Construindo Comunidades
CIVICUS
Front Line Defenders
OMUNGA
SOS Habitat