

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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(Please use this reference in your reply)

15 January 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 45/10, 54/14 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the reported excessive representation and influence of government officials in the Commission for Reconciliation in Memory of the Victims of Conflict (CIVICOP) and the lack of transparency and communication in its operations, as well as the concerns raised regarding the reliability of the process of exhumation and identification of remains of alleged victims of the "27 May" killings.**

According to the information received:

Commission for Reconciliation in Memory of the Victims of Conflict (CIVICOP)

In late 2019, the Angolan government launched a reconciliation plan, supported by some transitional justice initiatives, to address the civil war that engulfed the country, with some interludes, between 1975 and 2002. The war between two former anti-colonial guerrilla movements, the communist People's Movement for the Liberation of Angola (MPLA) and the anti-communist National Union for the Total Independence of Angola (UNITA), had begun immediately after Angola's independence from Portugal.

As part of the reconciliation package, a presidential decree established Angola's Commission for Reconciliation in Memory of the Victims of Conflict (CIVICOP) with mandate to reconcile Angolans and honoring victims of political conflicts during the 27-year civil war. The Commission, which is officially not a governmental institution, is chaired by the Minister of Justice and Human Rights, and has several ministry officials represented in it, including security services. In addition, the President of Angola reportedly has the final say on the interpretation and application of the decree establishing the commission. Representatives of civil society organizations, churches and opposition parties are members of CIVICOP, but victims are reportedly not represented in it.

The 2019 decree established the commission for a two-year period, with an originally estimated conclusion date of 31 July 2021. However, CIVICOP remains operational, and no new date has been established for its mandate's

completion.

Several criticisms have been leveled against the commission mandate, scope and composition over the years, including its focus on 'political conflicts' which may lead to the exclusion of serious human rights violations not considered as "political" from its jurisdiction; the excessive representation and influence of government officials in its composition; and the lack of transparency and communication in its operations. The commission's excessive focus on the "27 May" massacre, in which thousands were killed in response to an alleged coup d'état attempt, has also been criticized due to the reported detrimental impact this may have on the attention that CIVICOP's places on other political conflicts and civil war victims.

In March 2021, an important group of "27 May" victims suspended participation in CIVICOP's working group due to disagreements with the Commission's composition and its lack of attention to victim group's contributions.

Identification of remains of victims of "27 May"

On 26 May 2021, Angola's president apologized on behalf of the Angolan state for the mass executions and asked for forgiveness. In addition, he announced that everything possible would be done to locate and identify the remains of the largest possible number of victims to allow for dignified funeral ceremonies.

In March 2022, the Chair of CIVICOP announced that the remains of most "27 May" victims were possibly found in a mass grave.

On 13 June 2022, the remains of four identified victims were returned to their families in a public ceremony, in which CIVICOP's Chair stated during the DNA identification documentation was "verifiable" and "available for international review". Reports indicate that the national authorities had identified the remains without the involvement of international forensic experts.

Months later, relatives of another group of victims were contacted by the authorities about the return of the remains of their family members. The relatives requested that the identification process be led by international forensic experts, to which the government agreed. A team of Portuguese forensic experts was appointed to undertake this task and visited Angola in July 2022 to take samples to repeat the analysis. The new DNA tests, which were carried out by internationally accredited laboratories and in compliance with the highest standards of forensic best practice, proved beyond reasonable doubt that the bodies which had been returned to families for burial did not correspond to their missing relatives.

On 4 April 2023, during a ceremony to commemorate the end of the civil war, Angola's President decorated one of the victims of the "27 May" massacres. On the same occasion, a former officer of the secret services who in several testimonies had been identified as a perpetrator of the killings, was also decorated, raising consternation among victims and other actors.

While we do not wish to prejudge the accuracy of these allegations, we express concern about the reported excessive representation and influence of government officials in the Commission for Reconciliation in Memory of the Victims of Conflict (CIVICOP), the alleged lack of transparency and communication in the Commission's operations, and its reported excessive focus on certain victims of "political conflicts" in possible detriment of other victims of serious human rights violations committed during the civil war. In this regard, we recall that transitional justice processes must be holistic and ensure that all victims of gross human rights violations have access to truth, justice and reparation for the harm suffered. In addition, we recall that international standards stipulate that truth commissions must be established through procedures that ensure their independence, impartiality and competence.

In addition, we express serious concern about the questions raised regarding the reliability of the process of exhumation and identification of remains of alleged victims of the "27 May" killings. The respectful and lawful handling of mass graves, including forensic examinations, is an essential prerequisite for the investigation of potentially unlawful deaths in order to prevent future violations of the right to life, to clarify the fate and whereabouts of forcibly disappeared persons whose remains might be buried therein, to allow families to receive their loved one's remains for burial and/or dignified commemoration, and to determine the circumstances of the disappearance with a view to establishing the truth, which is owed to the families and to society as a whole. Transparent and impartial investigations are also of paramount importance to preserve the integrity of the remains, evidence and lines of enquiry.

Furthermore, we express concern about the decoration of an alleged perpetrator of the killing of the "27 May" killings during a ceremony to commemorate the end of the civil war. We wish to recall in this regard that memorialization processes should be aimed at preserving, and transmitting to present and future generations, accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation, and preventing the recurrence of violations. Moreover, memorialization processes should guard against the development of revisionist and negationist arguments regarding those violations.

In the context of the allegations described above, the Special Rapporteur on extrajudicial, summary or arbitrary executions would be available to provide technical cooperation and assistance, including through country visits, were it deemed convenient by your Excellency's Government.

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 indicate how the composition and operations of the Commission for Reconciliation in Memory of the Victims of Conflict (CIVICOP) comply with international standards applicable to truth and related commissions.
3. Please provide information about the process of search, exhumation and identification of the remains of alleged victims of the “27 May” killings, and about the expertise, certification and reliability of the team of experts who conducted these operations and their compliance with standards required for such investigations, in particular the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
4. Please provide details about the reasons for decorating an alleged perpetrator of human rights violations in a ceremony to commemorate the end of the civil war, and how it complies with international standards on memorialization processes.

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.

Please accept, Excellency, the assurances of our highest consideration.

Fabian Salvioli
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without prejudice to the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

We would like to refer to the International Covenant on Civil and Political Rights (ICCPR), acceded by Angola on 10 Jan 1992, especially in relation to articles 2, 6, 9 and 16 which guarantee the right to remedy, the right to life, the right to liberty and security of person, and the right to recognition as a person before the law, respectively. article 2 of the ICCPR establishes that States must guarantee that any person whose rights have been violated shall have an effective remedy, and that the competent authorities must enforce such remedies when granted. States must also ensure that any person claiming such a remedy is entitled to it as determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and develop the possibilities of judicial remedy. Furthermore, article 26 of the ICCPR provides that all persons are equal before the law and are entitled, without any discrimination, to equal protection of the law. In this regard, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, including political or other opinion.

In its general comment no. 31 (on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant), the Human Rights Committee ruled that, pursuant to article 2, States have an obligation to investigate and bring to justice perpetrators of serious human rights violations that constitute international crimes. It also established that failure to investigate and to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the ICCPR (paragraph 18). Similarly, the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity provide that States have the duty to undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and to ensure that those responsible for serious crimes under international law are prosecuted, tried and duly punished (principle 19). Furthermore, the Guiding Principles for the Search for Disappeared Persons of the United Nations Committee on Enforced Disappearances¹ establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

We also note that the prohibition of enforced disappearance and the right to life are norms of *jus cogens* and customary international law, applicable to all persons at all times and from which no derogation is permitted under any circumstances, according to article 4(2) of the ICCPR. Further, we would like to draw your Excellency's Government's attention to the fact that, according to international law, State authorities have an obligation under international human rights law to prevent violations of the right to life and to conduct impartial and effective investigations into

¹ [CED/C/7*](#)

any violation of such kind. Allegations concerning an attack against civilians must be investigated, and where there is sufficient evidence, persons responsible for the commission of the offence or ordering of the offence must be prosecuted.

We wish to underscore that these investigations of potentially unlawful killings must adhere to the relevant international standards, particularly articulated in the [Minnesota Protocol on the Investigation of a Potentially Unlawful Death \(2016\): the revised version of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions](#). Among other provisions, the Protocol states that the recovery of human remains must be carried out under the supervision of forensic experts (para. 90), and identification must be carried out on the basis of scientifically reliable identification methods such as fingerprints, dental examination and DNA analysis (para. 120). We also refer to the report on Medico-legal Death Investigations (MLDIs) (A/HRC/50/34) by the Special Rapporteur on extrajudicial, summary or arbitrary executions, indicating that the bereaved families and next of kin should be informed in a timely and appropriate manner about the investigation into the death of their loved one, its progress and its findings and that should be protected from any threat resulting from their participation in the investigation (paras. 92 and 94).

In addition, we would like to refer to the inalienable right of victims of human rights violations to know the truth about past events. The Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity asserts the right of victims to know the truth concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations (principle 2). Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims' fate (principle 4). As a result, commissions of inquiry, including truth commissions, have the obligation to make public their full report.

In addition, the General Comment of the Working Group on Enforced or Involuntary Disappearances on the Right to the Truth in relation to enforced disappearance makes it clear that the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation. No legitimate aim, or exceptional circumstances, may be invoked by the State to restrict this right. This absolute character also results from the fact that the enforced disappearance causes "anguish and sorrow" (5th preambular paragraph of the Declaration) to the family, a suffering that reaches the threshold of torture, as it also results from article 1 para 2 of the same Declaration that provides: "Any act of enforced disappearance (...) constitutes a violation of the rules of international law guaranteeing, (...) the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment." In this regard, the State cannot restrict the right to know the truth about the fate and the whereabouts of the disappeared as such restriction only adds to, and prolongs, the continuous torture inflicted upon the relatives.

In this regard, we would like to recall that the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (Updated Set of Principles) establishes that it is the responsibility of States to take

appropriate measures to give effect to the right to know. As part of the measures to guarantee this right, non-judicial procedures can be carried out to complement the action of the judicial authorities. Indeed, the instrument provides that societies that have experienced large-scale or systematic heinous crimes may have an interest in, inter alia, the establishment of a truth commission or a commission of enquiry to establish the circumstances surrounding these violations in order to bring out the truth and prevent the disappearance of evidence (principle 5). Commissions of inquiry, including truth commissions, must be established through procedures that ensure their independence, impartiality and competence. They shall be constituted in accordance with criteria that ensures the competence and impartiality of their members, including expertise within their membership in the field of human rights and humanitarian law. In determining their membership, concerted efforts should be made to ensure adequate representation of women as well as of other appropriate groups whose members have been especially vulnerable to human rights violations (principle 7).

With regards to memorialization, we would like to recall the duty of States to preserve memory of past human rights violations. As established in principle 3 of the Updated Set of Principles “a people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments”.

In line with this, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted in his report on memorialization processes ([A/HRC/45/45](#)) that memory processes cut across all aspects of full reparation, especially the dimensions of satisfaction and guarantees of non-recurrence, as a new obligation arising from the violations committed. Memorialization is aimed at preserving, and transmitting to present and future generations, accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation and preventing the recurrence of violations. The Special Rapporteur further noted that memory is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace and to help change toxic cultures of political violence.

Furthermore, we would like to recall the right of victims of human rights violations to receive full reparation for the harm suffered. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law establish the right of victims to receive adequate, effective and prompt reparation for the harm suffered, and to have access to relevant information on reparation mechanisms (paragraph 11). Reparation should be proportional to the gravity of the violations and the harm suffered. Victims should be provided with full and effective reparation, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (paragraphs 15 and 18). With regards to measures of satisfaction, these should include measures aimed at acknowledging the violations suffered by victims and the responsibility of the perpetrators, and at restoring the dignity of victims, including through a public apology, a public declaration restoring the dignity and rights of

victims, and an accurate account of the violations they endured (paragraph 22).