

From: Lise-Marie Greeff-Villet [REDACTED]
Sent: 15 November 2021 15:43
To: Brian Castner [REDACTED]; Richard Pearshouse [REDACTED]; David Matsinhe [REDACTED]
Cc: Werner Myburgh [REDACTED]; Bartolomeu Soto [REDACTED]
Subject: RE: Peace Parks Foundation Response: Amnesty International's research into cases of unlawful use of force by Banhine National Park rangers
Importance: High

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Dear Brian

We refer to your email dated 5 November 2021.

As previously stated, the incident took place under the authority and control of the Police Special Intervention Unit from Xai Xai with representation from the Conservation Police, outside the boundaries of Banhine where the park rangers do not have jurisdiction and Peace Parks Foundation has no mandate.

In respect of the additional information that you seek that are not publicly available - for example, the maps of the boundary alignments of the park, minutes of meetings with communities, incident reports, police reports, hospital records, and such - we suggest that you make direct contact with the Mozambique Government, the National Administration for Conservation Areas, the Police Special Intervention Unit, the hospital in Chokwe, and other relevant entities as this information is not within Peace Parks Foundation's knowledge and/or possession.

That said, we provide below feedback to each of your questions to the best of our knowledge.

1) (Our previous question 3) Please provide a map (and, if possible, GIS file formats) of the old and new boundaries of Banhine National Park.

Please make direct contact with the Mozambique Government and the National Administration for Conservation Areas to obtain this.

2) (Our previous question 4) Please provide existing documents related to Banhine National Park and the local communities, including...the minutes of consultation meetings held with local communities. Your response of 2 November noted in answer 1 that ANAC conducted consultations with the local communities. Could PPF provide any existing documents of the consultation meetings conducted by PPF, for example of the type described in another park in PPF's Annual Review 2020, pg 28. (<https://www.peaceparks.org/wp-content/uploads/2021/07/2020-Peace-Parks-Foundation-Annual-Review.pdf>)

Please make direct contact with the National Administration for Conservation Areas to obtain this.

3) (Our previous question 5) Can you please provide information on how security activities are carried out in Banhine National Park, including which organizations (public and private) are involved, what their responsibilities are, as well as any protocols and codes of conduct used, particularly in relation to the use of force?

We provided an answer to this question in in point 12 of our previous feedback, which is repeated below for ease of reference:

There are no outside organizations involved in Banhine National Park law enforcement activities other than Mozambique government bodies consisting of the Police Special Intervention Unit, Natural Resources and Environment Protection Police, ANAC and Peace Parks Foundation. All security activities are determined and carried out by Banhine National Parks' head ranger (protection co-ordinator) who is employed and governed by ANAC. The head ranger is supported by a technical advisor employed by Peace Parks Foundation who advises on operations and provides infield training and logistics support. The Banhine National Park's field rangers follow the national laws of Mozambique and the code of conduct set out by ANAC alongside the Human Rights training curriculum during operations and arrests.

We note that you provided the new curriculum on the use of force from a 2021 SAWC training package. For clarity: what protocol was in place at the time of the Nov 2020 incident?

In addition to the human rights training provided, please refer to the attached Investigation and Criminal Procedures Manual. Specifically, refer to page 158 regarding the protocols applied in relation to the use of force that is applicable for all parks in Mozambique.

4) (Our previous question 5) Your response of 2 November noted in answers 7, 10, 11, and 12 the role of the Special Police. For clarity: can you provide the name of the police force or unit you refer to?

Police Special Intervention Unit from Xai-Xai.

5) (Our previous question 6) Did Peace Parks Foundation carry out any investigation into the incident that occurred on November 3, 2020 including the alleged unlawful use of force and lack of provision of assistance and medical aid to the victims of the shooting? If so, please provide an overview of the findings of that investigation, including the number of persons participating in the incident, the results of the anti-charcoal operation (for example, any fines, arrests, criminal investigations), as well as any findings into the use of force by park rangers. If no investigation was carried out, please explain why not. Your response of 2 November noted in answer 10 that PPF had no grounds or mandate to investigate the actions of the Special Police. For clarity: did PPF conduct any investigation into its own involvement in the incident in November 2020?

Peace Parks Foundation immediately investigated the event using information provided by senior park personnel and the Peace Parks Foundation technical advisor and through this process were informed that as it occurred outside of the conservation area and Peace Parks Foundation's area of support, and as it was under the mandate and authority of a different government organisation with which Peace Parks Foundation had no affiliation, this matter would be investigated and followed up on by the responsible Government structures.

As the incident took place under the authority and control of Mozambique security authorities, we suggest that you make direct contact with the Mozambique Government, the National Administration for Conservation Areas, the Police Special Intervention Unit, and other relevant entities for formal incident reports, police reports, arrest records and such.

Your response of 2 November noted in answer 8 that the wounded individuals received medical treatment. For clarity: do you have any documentation of this medical assistance or compensation received?

No, we do not have documentation to this effect, however, this is based on information provided to ourselves by senior park personnel. We suggest that you make direct contact with the Mozambique Government, the National Administration for Conservation Areas, the Police Special Intervention Unit, the hospital in Chokwe, and other relevant entities.

- 6) (Our previous question 6) Your response of 2 November noted in answer 11 that PPF “denies any Banhine Park Rangers used any force which was neither necessary nor proportional.” For clarity: did Banhine National Park rangers use any force in the November 2020 incident? Specifically, did any Banhine National Park rangers discharge their firearms during the incident? Please provide any reports or other contemporary documentation on whether or how the residents were armed.**

To the best of our knowledge, none of the Banhine rangers used any unnecessary force. We understand that three BNP rangers in the support vehicles located a distance back from the special police vehicle, fired warning shots into the air, which in no way was a threat to any persons, and which was deemed proportional to the threat posed. As the incident took place under the authority and control of Mozambique security authorities, we suggest that you make direct contact with the Mozambique Government, the National Administration for Conservation Areas, the Police Special Intervention Unit, and other relevant entities for formal incident reports, police reports, arrest records and such.

- 7) (Our previous question 6) For clarity: can you provide information on whether the 25 persons arrested were subsequently charged with any criminal acts for the activities you assert were illegal? If they were released without charges, please clarify your understanding of when and why that occurred. Your PPF Annual Report 2020 lists 18 people arrested at Banhine National Park. Why were these 25 people not included in your tally?**

As far as we know, the 25 people were released again the following day by instruction of the Mozambique Government under a warning, and that the Government decided to not proceed with the prosecution.

We suggest that you make direct contact with the Mozambique Government, the National Administration for Conservation Areas, the Police Special Intervention Unit, and other relevant entities for formal incident reports, police reports, arrest records and such.

- 8) (Our previous question 6) Your response of 2 November noted in answer 13 that PPF had directly contracted a technical advisor to provide anti-poaching support in Banhine National Park. For clarity: was the PPF technical advisor present during the incident on November 3, 2020?**

Mr Ernst Beylefeld, who functioned as a technical advisor, was present when the communities attacked the vehicle convoy. Out of fear for his life when they started throwing stones at the police, who were trying to remove the obstacles placed in the road, he remained inside his vehicle, that was not at the front of the convoy, the entire time.

(Our previous question 6) Your response of 2 November noted in point 2 that park rangers have "the right to prevent charcoaling taking place inside the boundaries of a national park... without a permit". For clarity: can you please explain how you determined that the 25 people arrested did not have a license to produce charcoal? Can you provide the geographic coordinates of the charcoal fields identified during the operation?

The manual for the application of the Conservation Act that we provided previously is very clear regarding the production of charcoal. To be clear, it is legal to produce charcoal in the buffer zone of a national park, but only with a permit. It is illegal to produce charcoal inside a national park. Arrests have been made for production of charcoal either within the buffer zone of the park, but without the necessary authorised permits, or within the park itself (see attached map indicating the location of the area where the charcoal is being illegally produced).

- 9) (Our previous question 7) Is Peace Parks Foundation aware of other incidents of alleged unlawful use of force in Banhine National Park or in other protected areas managed by Peace Parks Foundation in Mozambique? Your response of 2 November noted in answer 16 that PPF is not aware of incidents of alleged use of force in Banhine National Park by PPF staff or rangers since 2018. For clarity: is PPF aware of any other alleged unlawful use of force incidents involving PPF staff or rangers assigned to other protected areas managed by**

PPF in Mozambique?

We would like to clarify firstly that Peace Parks Foundation does not manage any protected areas in Mozambique, but only provides co-management support. All law enforcement activities in these parks may only be undertaken by Mozambique Government staff. It is permissible for Peace Parks Foundation to provide technical and training support to the government rangers, but Peace Parks Foundation staff do not have any mandate to enforce the law. Be that as it may, the only other incident we are aware of is a shooting incident that took place in Maputo Special Reserve earlier in 2021. This matter is currently still under investigation. Any reports pertaining to this should be requested from ANAC.

10) (Our previous question 8) Thank you for the clarification that the relationship between DAG/EMCT and PPF changed in May 2021. What was the scope of the partnership between Peace Parks Foundation and DAG/EMCT regarding protected areas covered, activities carried out and the policies concerning the use of force (including firearms) prior to this termination? Specifically, did the rangers who participated in the incident in November 2020 receive any firearms training from DAG/EMCT?

We again reiterate that DAG/EMCT had no involvement in Banhine prior to or at the time of the incident, and accordingly was not involved in any way with the training of the Banhine rangers. All the formal ranger training support that Peace Parks Foundation provides to any rangers in any of the parks where we have an operational footprint, are conducted by the Southern African Wildlife College, which is an accredited training service provider. The training provided is independently assessed and constantly refined to align with international best practice.

We hope that this provides answers to some of your remaining questions.

Let us know should you require any further assistance, and we will help in as far as we are able to do so.

Please confirm receipt of this message.

Regards
Lise-Marie

Lise-Marie Greeff-Villet | Manager: Communications

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From: Brian Castner [REDACTED]
Sent: 05 November 2021 19:02
To: Lise-Marie Greeff-Villet [REDACTED]; Werner Myburgh [REDACTED]
Cc: Mateus Jose Mutemba [REDACTED]; Bartolomeu Soto [REDACTED]; Richard Pearshouse [REDACTED]; David Matsinhe [REDACTED]
Subject: RE: Peace Parks Foundation Response: Amnesty International's research into cases of unlawful use of force by Banhine National Park rangers

Dear Mr. Myburgh,

Thank you for your response letter dated 2 November 2021. We appreciate your engagement on this important issue.

It is our view that a number of our original questions remain unanswered or answered in ways that are incomplete or unclear. Amnesty International is committed to providing information that is well-informed and objective. In this light, we have a few follow up questions. We seek this information to ensure that any public reporting we undertake accurately reflects the views of Peace Parks Foundation.

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Your response of 2 November noted in answer 10 that PPF had no grounds or mandate to investigate the actions of the Special Police. For clarity: did PPF conduct any investigation into its own involvement in the incident in November 2020? Your response of 2 November noted in answer 8 that the wounded individuals received medical treatment. For clarity: do you have any documentation of this medical assistance or compensation received?

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For clarity: did Banhine National Park rangers use any force in the November 2020 incident? Specifically, did any Banhine National Park rangers discharge their firearms during the incident? Please provide any reports or other contemporary documentation on whether or how the residents were armed.

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11) (Our previous question 8) Thank you for the clarification that the relationship between DAG/EMCT and PPF changed in May 2021. What was the scope of the partnership between Peace Parks Foundation and DAG/EMCT regarding protected areas covered, activities carried out and the policies concerning the use of force (including firearms) *prior to this termination*? Specifically, did the rangers who participated in the incident in November 2020 receive any firearms training from DAG/EMCT?

We may include part or all of your response in any public reporting we undertake. To enable us to consider incorporating this into our reporting, please respond by email by the close of business of 12 November 2021.

Thank you in advance for your time in addressing these urgent matters.

Sincerely,

Brian Castner
Senior Crisis Advisor – Weapons & Military Operations



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