

# **OPEN LETTER TO: MRS. SOMMARUGA AND MR. GATTIKER**

**Head of the Federal Department of Justice and Police  
Secretary of the State Secretariat for Migration**

Though I am a refugee under the mandate of UNHCR, I am for nearly ten years deprived of legal protection, i.e. of valid refugee identity papers and a convention travel document in force. Left without international protection, I have since been deprived of the most basic human rights in Switzerland. On October 16, 2017, heading to Germany where refugees are better regarded than I have been in Switzerland, I was checked by the German police and was compelled to return to Switzerland owing to the fact that I had (have) no valid travel document, nor valid refugee identity papers, and owing to the fact that the Swiss police guaranteed the German police that I have been living in Switzerland legally. Hence, my current call on the Swiss State Secretariat for Migration (SEM) and on other relevant Swiss government authorities to immediately provide me refugee identity papers and travel document, so I can once again sense life as a full human being.

**To Mrs. Simonetta Sommaruga  
Federal Councilor of the Swiss Confederation and  
Head of the Federal Department of Justice and Police  
Federal Palace, West Wing  
CH-3003 Berne**

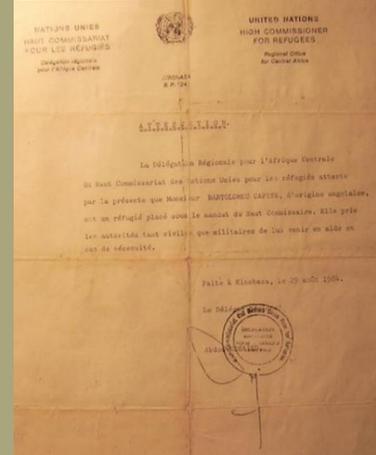
# OPEN LETTER TO: MRS. SOMMARUGA AND MR. GATTIKER

Call for Valid Refugee Identity Papers  
and Convention Travel Document

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Federal Constitution of the  
Swiss Confederation.

*“The Confederation and the  
Cantons shall respect  
international law.”*

— Art. 5, paragraph 4;

*“No one may be discriminated  
against, in particular on  
grounds of origin, race, gender,  
age, language, social position,  
way of life, religious,  
ideological, or political  
convictions, or because of a  
physical, mental or  
psychological disability.”*

— Art. 8, paragraph 2;

*“It shall be committed to the  
long term preservation of  
natural resources and to a just  
and peaceful international  
order.”*

— Art. 2, paragraph 4.

I, the undersigned, Bartolomeu Capita, refugee under the mandate of UNHCR, am concerned individual whose civic duty consists in enabling the oppressed People of Cabinda regain political sovereignty in harmony with international law, essentially the UN GA Resolution 1514 (XV) of December 14, 1960, on Decolonization; the UN GA Resolution 1803 (XVII) of December 14, 1962, concerning the permanent sovereignty of peoples everywhere over their own natural wealth and resources; the 1966 International Covenant on Civil and Political Rights; and the 1966 International Covenant on Economic, Social and Cultural Rights. My core objective, aside from generating renewed attention on the sad situation of international law (human rights) violations in Cabinda and the radical policy of the Swiss State Secretariat for Migration (SEM), with reference to mandate refugees from Cabinda in Switzerland, is making sure that the Cabinda People's valid struggle to achieve and sustain self-determination, self-respect, and self-defense thrives, thanks to law-abiding UN Member States eager to act in pursuance of the proviso of Article 35 of the Charter of the United Nations.

Relating to mandate refugees from Cabinda disgraced in Switzerland, e.g. myself, I am making the present call on SEM and on other relevant Swiss government authorities, with a view to being immediately granted legal and valid refugee identity papers and travel document in pursuance of the provision of Articles 27 and 28 of the 1951 Convention Relating to the Status of Refugees. In Africa, and perhaps elsewhere, Switzerland is

viewed as an abiding-law nation and State, i.e. a legally constituted State, and yet it is quite hard to grasp the causes of the Swiss growing contempt for her own Federal Constitution, chiefly the terms of Article 2 (Aims), paragraph 4 and of Article 5 (Rule of Law), paragraph 4. I have lived in Switzerland since 2008, and though I am a refugee under the mandate of UNHCR, I have been gently kept without valid refugee identity papers and a valid CTD (Convention Travel Document), and have been surviving without the most basic human rights.

On October 16, 2017, while traveling to Berlin for scheduled forums relating to the negative effects of the belligerent occupation of Cabinda by Angola since 1975 and the role of Germany in the just resolution of this legal-political issue, my identity papers were checked by the German police and, for lack of valid refugee identity papers, my trip was disrupted and compelled to return to Switzerland. I was informed by the German police, after the latter's exchange with the Swiss police, that I live lawfully in Switzerland. Hence, to verify said lawfulness, my present call on SEM and on other relevant Swiss government authorities is that valid refugee identity papers and a convention travel document are immediately given me, for the sake of a more just and peaceful international order.

I believe that the Swiss policy vis-à-vis Cabinda, which is remarkably devoid of every leaning to alleviate the plight of refugees from Cabinda living in Switzerland, is based on erroneous assumptions and incorrect conclusions about the actual political situation in my homeland Cabinda.

This needs to be rectified without delay. UN Member States committed to a just and peaceful international order, in all honesty, are conscious that the belligerent occupation of Cabinda by Angola is indisputably the major contributing factor to the political insecurity and instability in Southern Africa and beyond. In this connection, the knowledgeable Swiss journalist Johannes Dieterich drew the following conclusion – *Cabindas Unglück ist das Erdöl* (or “Cabinda’s Misfortune is Oil”). So far, it is an objective perception in concurrence with the ‘political and economic global system that condemns and enslaves men and women, destroys human fraternity, sets people against one another, and even puts at risk our common home.’

Consistent with the Swiss Federal Constitution, the Swiss People and the Cantons are mindful of their responsibility towards creation, in the name of Almighty God. I would be delighted to be given reasons to infer that the oppressed People of Cabinda, and of Africa at large, are counted as part of the creation, bearing in mind the legitimacy of the Cabinda People’s struggle to regain political sovereignty. As an illustration in the field of mutual consideration and respect for diversity, the Swiss People and Government are from the outset entitled to bring the existing dispute between Cabinda and Angola to the attention of the UN Security Council or of the General Assembly, in pursuance of the proviso of Article 35 of the UN Charter. Justice should not retire from the face of Mother Earth! Hence, the Swiss People and Government are expected to play a vital part in the pacific transfer process of Cabinda to the native and genuine heirs of this African territory, alongside China, Russia, the “Bandung Nations,”

Portugal, Holy See, Germany, Sweden, Venezuela, Bolivia, Haiti, and the United States of America.

Though the illegally occupied territory of Cabinda is the source of practically 80 percent of the oil Angola exports; source of nearly all of Angola's foreign exchange; and source of 80 percent of Angola's national Budget; this *Non-Self-Governing Territory* (Cabinda) has so far no road infrastructure, no transport facilities, no fitting schools, no hospitals, no clean water, no airport, no industrial and trading ports, no health care, no housing project, no welfare services, no farming, no electrification; etc., etc., etc. Put simply, no integral development. Since native Cabindans alone are the real holders of the legal and inalienable title to the territory of Cabinda and its oil fields, Angola's endeavor that consists in depriving the native Cabindans of our own means of subsistence, a crime in itself, entails an endless situation of gross human rights violations, including a pervasive culture of impunity characterized by crimes against humanity. Given Angola's inherent criminal use of the State and the economy, it is high time the Cabinda People took matters into their/our own hands. In this respect, the help of whatever UN Member State is a straightforward reaffirmation of faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

A Swiss biased assessment of the Cabinda People's right to recover political sovereignty would be problematic, not only in terms of its broad

consequences on the plight of the Cabinda People everywhere, but also in terms of the damage it entails to Switzerland's worldwide reputation as a People and UN Member State committed to the rule of law, to democracy, and to humanitarianism. In this light, I call on SEM and other pertinent Swiss government authorities to reverse the policy that is depriving me of legal protection since 2008 and adopt a more auspicious solution, simply by extending to me the legal protection accorded to Syrian refugees and other asylum seekers in this country. Morality and international refugee law insist on this.

As I look forward to working with the Swiss People and Government, chiefly as promoters of appropriate application and implementation of international law in Africa, above all in the Congo basin, I thank you in advance for opting to comply with your own Federal Constitution, which I know is intrinsically prone to take care of the Creation that I also believe Black People are integral part of.

Berne, 25 October 2017



Bartolomeu Capita (Mr.)

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