

Written Contribution on UPR Mozambique Maat for Peace, Development and Human Rights

Introduction

During the Second Universal Periodic Review (UPR) in 2016, Mozambique received 210 recommendations, among which 180 were accepted. Maat is concerned about the lack of progress in implementing some of the recommendations supported by the government of Mozambique including to end arbitrary arrests and unlawful detention by security forces, to ensure prompt, thorough and impartial investigation into cases of human rights violations; to guarantee the rights to freedom of expression; peaceful assembly and association; and to protect refugees and asylum seekers.

Current Human Rights Situation in Mozambique

Mozambique has continued to experience violent attacks against government forces and civilian populations. This has further escalated with the deteriorating security situation in Cabbo Delgado in the Northern province. The province has faced attacks from a shadowy insurgent group, known locally as “al-Shabab” or “Ahlu Sunna Wa-Jama” (ASWJ).¹ The group has committed over 350 attacks since its first October 2017 attack on a police station,² killing and displacing thousands of innocent civilian citizens.³ The humanitarian crisis has been further exacerbated by the continuing effects of climatic shocks (Cyclone Kenneth) and more recently the challenges presented by the global COVID-19 pandemic.⁴

It is a major concern that the Government of Mozambique’s response to the Islamic insurgency has been marred by allegations and continued reports of human rights violations and abuses including extra judicial killings, arbitrary arrests and denial of access to information about what is happening in Cabo Delgado.⁵

Arbitrary Arrests and Detention

The security forces continue to arbitrarily arrest individuals, including cases where the Police of the Republic of Mozambique (PRM) and the National Military Forces have arrested individuals without an arrest warrant in situations where such a warrant is required and without informing those arrested of their rights.⁶

As aforementioned, following the Islamist insurgency in the northern province of Cabo Delgado since October 2017, there have been shocking reports of attacks on individuals believed to be

¹ <https://theowp.org/reports/mozambique-faces-human-rights-crisis-from-government-and-insurgents/>

² Ibid.

³ <https://www.europarl.europa.eu/news/en/press-room/20200910IPR86834/human-rights-breaches-in-the-drc-mozambique-and-the-philippines>

⁴ <https://www.amnesty.org/download/Documents/AFR4122392020ENGLISH.pdf>

⁵ Ibid.

⁶ <https://www.amnesty.org/download/Documents/AFR4110222019ENGLISH.pdf>



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members of the extremist group known as “Al-Shabaab”. It was reported that extremists invaded villages, set houses on fire, hacked villagers to death with machetes and looted their food. Although the government increased the military presence in the region, their response to the insurgency has been widely criticized for its inadequacy and lack of competence and insensitivity to the situation. More concerning are reports that some of the affected populations have been indiscriminately arrested, detained and intimidated and subjected to torture and other ill-treatment, and summarily executed civilians on suspicion of belonging to extremist groups.⁷

On August 11, 2019 two men, aged 26 and 32, were arrested and forced onto a military truck and by soldiers while they were cutting wood in the forest. When one of them demanded to know the reasons for their arrest, the soldiers accused them of being members of the Islamist insurgent group and beat him with an AK47 assault rifle in the head and stomach.⁸ They were released on August 16, 2019 without charges.

On November 23, 2019 following an attack the village of Chicuaia Velha, Nangane which killed at least 12 people, including women and children, security forces in the village district arrested several villagers, mostly men who did not flee during the attack. It confirmed by an anonymous army official that the suspects were taken for a “temporary screening” at makeshift barracks in Mocimboa da Praia district. Those arrested were neither charged or taken to court and were also denied access to lawyers and their families.⁹

A 23-year-old farmer recounted his ordeal saying the soldiers would take the detainees one after the other to the forest, and then they (the detainees) would hear gunshots followed by screaming and some of those taken away never returned.¹⁰

Similarly, the authorities have prevented journalists from entering the region in order to cover the situation and also subjected them to arbitrary arrests and intimidation. In June 2018, Pindai Dube, a journalist for the eNCA was arrested by police in Pemba and accused of spying.¹¹ He was released after three days.

In December 2018, Estacio Valoi, an investigative journalist, and David Matsinhe, an Amnesty International researcher, were arrested by the military and held incommunicado for two days in Mocimboa da Praia district, accused of spying and aiding and abetting the extremist group, “Al-Shabaab”. They were released without charge, but their equipment was confiscated by the military.¹²

⁷ Ibid.

⁸ <https://www.hrw.org/news/2018/12/04/mozambique-security-forces-abusing-suspected-insurgents>

⁹ Ibid.

¹⁰ Ibid.

¹¹ <https://www.fidh.org/en/issues/human-rights-defenders/mozambique-civil-society-groups-call-for-the-unconditional-and>

¹² <https://cpj.org/2019/01/mozambican-journalist-arrested-held-in-military-pr.php>

On January 5, 2019, Amade Abubacar a journalist was arrested while interviewing villagers who had fled the village due to the islamist insurgency.¹³ Abubacar was detained for almost 100 days including 12 days in incommunicado military detention.¹⁴ On April 23, 2019, he was granted provisional release from the Mizeze prison in Pemba city.¹⁵ However he continues to face accusations of crimes of public incitement through electronic media and incitement and injury against public officials.¹⁶

Enforced Disappearances

In some cases, there have been reports of enforced disappearances without any explanation from relevant authorities or the government.

One of such cases is that of Ibraimo Abu Mbaruco who went missing on July 7, 2020. Mbaruco, a journalist with Palma Community Radio, sent messages to colleagues informing them he was surrounded by soldiers. He forcibly disappeared shortly after leaving work around 6pm.¹⁷ The authorities have since refused to provide adequate explanations regarding his disappearance.

Similarly, on August 1, 2020, Andre Hanekon, a South African businessman, was abducted by masked men wearing camouflage uniforms. It has been reported that the gunmen were police officers,¹⁸ who arrested Hanekon on suspicion of being connected to terrorism.¹⁹ He was kept for nearly four months in military detention without access to family or lawyers although his wife Francis, reported that she occasionally spoke to him when he paid soldiers for access to their cellphones²⁰ On 23 January 2019, Andre was declared dead; his body had signs of torture, including a broken nose and bruises on his head, feet and back.²¹

JUSTICE FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS AND ABUSES

One of the commitments of Mozambique during the second UPR was to carry out prompt, thorough and impartial investigations into cases of arbitrary arrest and detention, torture and extrajudicial killings by the security forces and to put an end to such practices.²² As aforementioned, Maat remains concerned about the continued impunity for human rights violations, including enforced disappearance, extrajudicial executions, torture and other ill-treatment. Several organizations have documented cases which remain uninvestigated and unresolved.

¹³ <https://www.amnesty.org/en/documents/afr41/9674/2019/en/>

¹⁴ <https://www.amnesty.org/en/documents/afr41/9792/2019/en/>

¹⁵ <https://rsf.org/en/news/two-mozambican-journalists-freed-after-being-held-months>

¹⁶ <https://www.amnesty.org/en/documents/afr41/0890/2019/en/>

¹⁷ <https://zimbabwe.misa.org/2020/07/10/mozambique-journalist-still-missing-three-months-later/>

¹⁸ <https://www.hrw.org/news/2019/01/31/mozambique-suspicious-death-suspect-custody>

¹⁹ Ibid.

²⁰ Ibid.

²¹ <https://www.amnesty.org/en/countries/africa/mozambique/report-mozambique/>

²² Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Mozambique*, A/HRC/32/6, recommendations 128.74 (Costa Rica), 128.76 (France), 128.77 (Australia), 128.78 (Ghana), 128.79 (Canada) and 128.88 (Austria).



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On October 8, 2016, Jeremias Pondeca, was shot dead in Maputo by unknown men suspected to be part of a death squad composed of state security officers.²³ Pondeca was a senior member of the Mozambique National Resistance opposition party (RENAMO) and part of the mediation team which sought to end the conflicts between RENAMO and the government.²⁴

On October 4, 2017, an unidentified gunman shot and killed Mahamudo Amurane. Arumane who served as the mayor of Nampula City from 2013 until his death had embarked on a public quest to revitalize public infrastructure and expel alleged corruption in the city's administration.²⁵

On 27 March 2018, human rights lawyer Ericino de Salema was abducted outside the offices of the Mozambican Union of Journalists in Maputo by unknown gunmen. He was beaten and abandoned on the Maputo Ring Road. It has been reported that he suffered serious fractures to his arms and legs.²⁶ At the time of the attack, Salema was a resident political commentator on the television show, STV's Pontos de Vista, where he often took positions critical of the government's policies.²⁷

Prison Conditions

Prison conditions remain harsh and potentially life threatening as a result of overcrowding, lack of medical care and poor sanitation. Reportedly, almost all the prisons in the country accommodates more inmates than their theoretical capacity.²⁸

In November 2019 the Mozambican National Human Rights Commission documented serious human rights abuses, including overcrowding so severe that prisoners were forced to sleep standing up.²⁹

THE RIGHTS TO FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION

In light of the restrictions to freedom of expression and media freedom, on July 23, 2018, the Council of Ministers issued Decree 40/2018, which requires journalists and media organizations to pay prohibitive accreditation and licensing fees for both local and foreign press wanting to report on the country.³⁰

²³ <https://www.hrw.org/news/2016/10/11/mozambique-prominent-opposition-leader-killed>

²⁴ https://www.civicus.org/index.php/media-resources/news/4031-open-letter-pope-francis-visit-to-mozambique-presents-an-opportunity-to-address-human-rights-violations#_ftn12

²⁵ <https://clubofmozambique.com/news/nampula-mayor-mahamudo-amurane-murdered-at-home/>

²⁶ https://www.civicus.org/index.php/media-resources/news/4031-open-letter-pope-francis-visit-to-mozambique-presents-an-opportunity-to-address-human-rights-violations#_ftn12

²⁷ Ibid.

²⁸ <https://allafrica.com/stories/202003270902.html>

²⁹ <https://www.hrw.org/news/2018/12/04/mozambique-security-forces-abusing-suspected-insurgents>

³⁰ <https://www.amnesty.org/en/latest/news/2018/08/mozambique-effectively-closing-the-media-space-with-exorbitant-accreditation-fees/>



Following the municipal elections in October 2018, several civil society activists, local journalists and human rights defenders received anonymous death threats intimidating phone calls and messages related to their involvement in the monitoring of the election process.³¹ It is believed that their involvement in the election results prevented instances of election fraud.³²

Regarding the rights to peaceful assembly and association, in January 2019, the police surrounded the office of the Centre for Public Integrity (CIP), an independent civil society organization, which launched a campaign against the repayment of alleged illegally acquired secret loans amounting to USD2.2 billion, taken under former president Armando Guebuza.³³

On March 1, 2019, a march organized by a local primary school to mark the city's annual carnival was disrupted by armed officers. In the following days, the mayor of Maputo rejected plans for Forum Mulher, Mozambique's leading women's rights group to march against domestic violence on International Women's Day.³⁴

THE RIGHTS OF REFUGEES AND ASYLUM SEEKERS

In January 2019, police and immigration officers arrested 15 refugees and asylum seekers from the Democratic Republic of Congo (DRC) and one male refugee from Ethiopia who were residing in Maratane Camp in Nampula province. According to the testimonies of the refugees, they were arrested without a warrant, hand-cuffed and beaten and were not immediately informed of the reasons for their arrest and detention. They were detained at the Third Police Station in Pemba in inhumane conditions. They were forced to dig a hole in the police station's patio to use as a toilet and drank possibly contaminated.³⁵

On January 23, 2019, without prior notification of a deportation order, nor opportunity to challenge their deportation in court, the government of Mozambique deported seven men from the group of 16 refugees and asylum seekers, who were originally from the Democratic Republic of the Congo (DRC). They were forced by immigration officers to board a flight to Kinshasa. Unfortunately, they were denied entry by the Congolese immigration officials and ordered to return to Mozambique. They were returned to Pemba city on January 26, 2019 and taken back to the Third Police Station.³⁶

RECOMMENDATIONS

Maat recommends that the government of Mozambique promptly act on the recommendations below:

Regarding Instruments and treaties

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.



- Ratify all pending treaties including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, and the First Optional Protocol to the International Covenant on Civil and Political Rights.

Regarding Issues of Arbitrary arrests and detention, extrajudicial killings and enforced disappearances

- Investigate promptly, thoroughly, impartially and independently all allegations of arbitrary arrest and detention and ensure that perpetrators are brought to justice;
- Investigate promptly, thoroughly, impartially and independently all cases all allegations of extrajudicial executions or unlawful killings and enforced disappearances by the security forces and ensure that perpetrators are brought to justice;

Regarding the right to freedom of expression, peaceful assembly and association

- Provide an atmosphere that guarantees, respects, protects, promotes and fulfils the right to freedom of expression, peaceful assembly and association and ensures that the media, journalists human rights defenders and civil society organizations are able to carry out their work without fear, intimidation or harassment.

Regarding the right of refugees and asylum seekers

- Respect the principle of non-refoulment and refrain from arbitrary arrest and forcible return of foreign nationals without due process.

Maat shares with the government of Mozambique deep concerns with the ongoing security crisis in Cabo Delgado and recognizes the right and duty of the government to ensure the safety of its citizens from these insurgent attacks. However, we reiterate that an effective counter terrorism strategy must adopt a human rights approach.