

**Submission of the American Bar Association, Center for Human Rights (ABA_CHR)
with respect to the third periodic cycle of the Universal Periodic Review (UPR) of the
Republic of Mozambique,
36th session of the UPR Working Group (November 2020)**

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Introduction

1. The American Bar Association (ABA), Center for Human Rights (Center)¹ submits this information with respect to the third cycle of the UPR of the Republic of Mozambique. Established in 1878, the ABA is the largest voluntary association of lawyers and legal professionals in the world. The Center promotes and protects human rights worldwide — mobilizing lawyers to help threatened advocates; rallying thought leaders on vital issues; and holding abusive governments accountable.

Developments since the last review

2. During the second cycle, Mozambique accepted 180 of the 210 recommendations received. Among those were recommendations to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR),ⁱ and the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1);ⁱⁱ as well as to extend a standing invitation to the special procedures;ⁱⁱⁱ formally accept a request to visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions;^{iv} and submit overdue reports to relevant treaty bodies.^v Despite having signed the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), a recommendation to ratify it was not supported.^{vi}
3. Mozambique extended a standing invitation to special procedures on April 12, 2016,^{vii} and formally accepted the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions on July 1, 2019. The visit, which was scheduled for May 2020, has since been postponed.^{viii} Mozambique has not yet ratified either of the treaties, and has not submitted its overdue reports on the Optional Protocols to the Convention on the Rights of the Child,^{ix} or Committee on the Elimination of Racial Discrimination.^x In addition, its reports to the Human Rights Committee, or the Committee against Torture, due in 2017, are overdue.
4. In relation to national laws, Mozambique supported recommendations to adopt a new Penal Procedure Code.^{xi} In December 2019, the revised Penal Procedure Code and a further revised Penal Code were gazetted. Both were to become effective 180 days after their publication,^{xiii} but this was reportedly postponed due to delays in carrying out processes necessary for their proper implementation caused by the COVID-19 pandemic. The Penal Procedure Code and Penal Code had not come into effect at the time of this submission.

Recommendations

5. **In relation to Mozambique’s international and national legal framework, as well as its cooperation with human rights bodies, the Center recommends that recommending States call upon Mozambique to:**

¹This submission was prepared by the American Bar Association, Center for Human Rights (Center) and reflects the Center’s views. It has not been approved by the House of Delegates or the Board of Governors of the American Bar Association and therefore should not be construed as representing the policy of the American Bar Association as a whole. Further, nothing in this report should be considered legal advice in a specific case.

- Proceed to ratify the ICPPED, as recommended by several States during the previous UPR.^{xiii}
- Ratify the ICESCR,^{xiv} and the ICCPR-OP1,^{xv} as accepted during the last review.
- Submit all overdue reports to treaty bodies, consistent with recommendations supported during the last review.
- Ensure the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions is rescheduled as soon as reasonably possible and provide all necessary support to ensure it occurs.

Recent developments affecting human rights

6. Two developments in Mozambique since the last UPR have had an impact on human rights on the ground. In 2016, it was revealed that the country had a debt of over US\$ 1.2 billion acquired in 2013, that had not been disclosed to the IMF. The undisclosed debts were from state-backed loans taken by three companies^{xvi} and made without parliamentary approval contrary to the requirements of the Constitution of the Republic of Mozambique.^{xvii} Civil society organisations and citizens advocating for accountability in relation to the debt have faced retaliation.^{xviii}
7. In October 2017, reports of extremist violence surfaced from Mozambique’s most northern province — Cabo Delgado, where oil and gas reserves had been earlier discovered in 2011 and 2012.^{xix} A local insurgent group known as Ahlu Sunna Wal Jama is believed to be behind the attacks, although the Islamic State and extremist groups from Kenya and Tanzania are also reportedly involved.^{xx} Government infrastructure has been destroyed and military weapons have been stolen in the region.^{xxi} In addition, over 1,000 people reportedly have been killed,^{xxii} and over 250,000 have been internally displaced.^{xxiii}

Human rights violations in the context of counter-terrorism

Due process rights

8. Concerns regarding arbitrary arrests and detentions, and violations of due process rights continue in the country. The concerns have been particularly significant in the context of the insurgency in the north, where there have been reports of State agents carrying out “raids”, stopping and interrogating individuals, subjecting them to arbitrary searches, and arresting any individuals whose electronic devices contain audio messages or information on social media relating to the attacks.^{xxiv}
9. Contrary to their rights, civilians have been arrested by military forces, held in detention in military barracks or unregistered places of detention, and not taken before a competent authority within the legally mandated time.^{xxv} Many of the arrests reportedly have involved recourse to excessive use of force, with those detained being denied access to family members, their lawyers or medical practitioners.^{xxvi} Some reportedly have also been subjected to torture, cruel, inhuman and degrading treatment, as well as prolonged pre-charge detention.^{xxvii} For example, journalist, **Amade Abubacar** was arrested on January 5, 2019, in Cabo Delgado and held incommunicado in military custody until January 17, before being transferred to police cells.^{xxviii} The military officials reportedly also subjected him to torture, cruel, inhuman and degrading treatment during his time in detention.^{xxix} He was apparently not formally charged until April, over 3 months after his arrest.^{xxx} On April 23, 2019 he was conditionally released pending trial and reportedly faces charges of “public instigation through the use of electronic media”, “instigation”, “slander against forces of public order”, “association to

commit an offence”, “crime against State organization”, “instigation or provocation to public disorder” and “order and public peace”.^{xxxii} Credible human rights organisations have documented other cases of arbitrary arrest and violation of due process rights related to the Cabo Delgado crisis and in other parts of the country.^{xxxii}

Enforced disappearances

10. In addition, there have been reported cases of suspected enforced disappearances in the region. Human Rights Defenders (HRDs), **Roberto Mussa Ambasse** and **Muemedede Suleimane Jumbe** were reportedly abducted by State agents on March 11, 2020 in Cabo Delgado.^{xxxiii} On April 23, the opposition party, Mozambique National Resistance (RENAMO), accused the military of murdering the two HRDs. On April 7, 2020, a journalist, **Ibraimo Abú Mbaruco** was abducted on his way from work, at Palma Community Radio Station (*Rádio Comunitária de Palma*), by persons believed to be military officials.^{xxxiv} His family enquired about him at the military barracks in Palma and reported the case to the National Criminal Investigation Services (*Serviço Nacional de Investigação Criminal – SERNIC*), as well as the prosecutor’s office.^{xxxv} However, none of the authorities has provided any clarity regarding his abduction and his family still had no information on his whereabouts at the time of this submission.

Extra-judicial executions

11. In 2020, there were several reports of extra-judicial executions (EJE) by State agents.^{xxxvi} In particular, there were reported EJEs by military officials in the context of the insurgency in Cabo Delgado. Roberto Mussa Ambasse and Muemedede Suleimane Jumbe, who are mentioned above, are believed to be victims of EJEs by the military. In September 2020, a video of a naked woman being beaten and shot 36 times by military agents began to circulate on social media. Amnesty International verified that the footage was filmed in Cabo Delgado.^{xxxvii}

Suppression of access to information

12. The authorities have sought to restrict information regarding the situation in Cabo Delgado from becoming public supposedly to prevent the true extent of the situation and atrocities including by State security forces. This has included the arbitrary confiscation of citizens’ devices containing information relating to the attacks.^{xxxviii} Cases of arrest and disappearances of journalists, such as Amade Abubacar and Ibraimo Abú Mbaruco, are also related to such restrictions. International journalists and others carrying out research in the area have also been arrested. For example, on June 30, 2018, **Pindai Dube**, a journalist for eNCA, an independent television news station based in South Africa, was arrested and detained by police in Cabo Delgado, while carrying out research into the insurgency.^{xxxix} He was reportedly accused of espionage and attempting to overthrow the government of Mozambique by supporting the insurgency group. During his detention, he was questioned, without a lawyer, before being released without charge on July 4, 2018.^{xl} On December 17, 2018, **David Matsinhe**, an Amnesty International researcher and journalist **Estacio Valoi** were also detained at gunpoint by military officials in the same area, while similarly carrying out research into the insurgency. They were released on the evening of December 18, but the military kept their cameras, computers and mobile phones.^{xli}
13. In addition, those making comments regarding the situation in the area have been subjected to harassment. For example, **Bishop Don Luis Fernando Lisboa**, of Pemba City, has become the target of a smear campaign on social media for his outspokenness. In August 2020, President Nyusi made a negative comment about him that exacerbated

the intimidation and harassment, including calls for his expulsion, against him on social media.^{xlii}

Recommendations

14. In relation to counter-terrorism efforts, the Center recommends that recommending States call upon Mozambique to:

- Take appropriate action to guarantee respect for human rights, including freedom of expression and access to information and the right to a fair trial, in the fight against terrorism, insurgency and other internal security operations, and to ensure that all perpetrators of violations are brought to justice.
- In line with recommendations supported by Mozambique during the last UPR, “take measures to ensure that law enforcement in Mozambique complies with domestic and international human right standards; and ensure prompt, thorough investigations, and prosecution where evidence warrants, of all allegations of human rights violations, including torture.”^{xliii} This should apply to actions carried out by State security agents as well.
- Ensure all State security agents refrain from carrying out enforced disappearances, carry out immediate and impartial investigations into cases of disappearances carried out by persons or groups of persons, and bring to justice those responsible for disappearances – enforced or otherwise.
- Ensure an immediate, impartial and thorough investigation into all reported cases of extra-judicial executions and ensure perpetrators are brought to justice.

Broader freedom of expression concerns

Harassment, intimidation and attacks against journalists and human rights defenders

15. During its last UPR, Mozambique supported recommendations to guarantee fully freedom of expression,^{xliv} as well as to ensure a safe working environment for journalists and media workers.^{xlv} However, attacks on freedom of expression have continued to be a serious concern. To date, no one has been held accountable for the March 3, 2015, killing of lawyer and Constitutional Law Professor, **Gilles Cistac**,^{xlvi} or for the August 28, 2015, killing of the founder and editor of the online newspaper, *Diário de Notícias*, **Paulo Machava**.^{xlvii} Since then, other cases of attacks, intimidation and harassment of journalists, HRDs and those critical of the government have occurred, for which there have been no apparent investigations and no one has been held accountable. Below are a few examples.

16. On May 23, 2016, gunmen abducted **Prof. José Jamie Macuane**, a political science professor and commentator on the TV programme, “Pontos de Vista,” in Maputo city.^{xlviii} He was taken to Marracuene neighbourhood, shot in the leg and abandoned.^{xlix} On March 27, 2018, two unidentified gunmen in the capital, Maputo, abducted his successor as commentator, **Enricino de Salema**.^l They severely beat his legs before leaving him in the same place Prof. Macuane had been left less than 2 years earlier. On August 23, 2020, an unidentified group burned down the office of the independent weekly newspaper, **Canal de Moçambique**.^{li} The newspaper has reported on cases of corruption and has been critical of the government. The physical attacks on Prof. José Jamie Macuane and Enricino de Salema as well as the fire attack on Canal de

Mozambique are believed to have been in retaliation for their criticism of the authorities.^{lii}

17. On the evening of 2 December 2017, an armed man reportedly threatened **Aunício da Silva**, an investigative journalist and editor of IKWELI, a weekly publication in Nampula City.^{liii} The gunman reportedly accused Aunício da Silva’s publication of tarnishing the image of Daviz Simango, the president of the Mozambique Democratic Movement (MDM), as well as Carlos Saíde, the party’s candidate for the Nampula City mayoral by-election of January 2018.
18. The revelation of the hidden debt in April 2016 led to increased criticism of the government from CSOs, particularly the Centre for Public Integrity (*Centro de Integridade Pública*– CIP). CIP staff reportedly began to receive threats and intimidation, including on social media where they were accused of being unpatriotic.^{liv} In at least two incidents, strangers approached family members of CIP staff on the to warn them to advise their relatives to cease criticising the government.^{lv} **Fátima Mimbire**, a Researcher for CIP and a presenter on the TV program, *Opinião No Feminino* between 2015 and 2019, received intimidating messages and death threats through Facebook, WhatsApp messaging and other social media posts.^{lvi} The intimidation and threats appear to be related to her involvement in CIP’s campaign, as well as views expressed on the TV show. In May 2019, Alice Tomás, a member of parliament belonging to The Mozambique Liberation Front (FRELIMO) ruling political party, reportedly called for her “to be raped by 10 strong and energetic men to teach her a lesson.”^{lvii}

Criminal defamation laws

19. Despite calls for the country to repeal criminal defamation laws,^{lviii} Mozambique’s Penal Code continues to criminalise defamation and slander, including with sentences of up to one-year imprisonment, or two years if against the president.^{lix} These crimes have also been included in the revised Penal Code of 2019.^{lx} In addition, defamation and slander against the President, members of the government, parliamentarians, magistrates and other public authorities are also criminalised in the Press Law.^{lxi}

Recommendations

20. In relation to freedom of expression, the Center recommends that recommending States call upon Mozambique to:

- **Carry out impartial and thorough investigations into all cases of killings, attacks, intimidation and harassment of journalists, HRDs and other politically active individuals, making sure that those found responsible are brought to justice.**
- **Take all necessary steps through the law and government policy to ensure the respect, protection and promotion of freedom of expression including the media, and that human rights defenders, journalists and individuals under the jurisdiction of Mozambique can engage in matters of public interest without retaliation.**
- **In line with recommendations received by Mozambique during its previous cycle, “Decriminalize defamation and place it under the Civil Code in accordance with international standards.”^{lxii}**

ⁱ United Nations Human Rights Council (UNHRC), Report of the Working Group on the Universal Periodic

Review: Mozambique 2nd cycle, April 12, 2016, A/HRC/32/6, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/29/PDF/G1607529.pdf?OpenElement>, para. 128, Recommendation 128.1 by Australia; Recommendation 128.2 by New Zealand; Recommendation 128.3 by France and Georgia; Recommendation 128.4 by Ghana; Recommendation 128.5 by Germany, Kenya, Montenegro, Turkey, Timor-Leste, Poland and Tunisia; Recommendations 128.6 by Spain; Recommendation 128.7 by Indonesia; Recommendation 128.8 by Namibia; Recommendation 128.9 by Portugal; and Recommendation 128.10 by Slovakia.

ⁱⁱ *Ibid*, para. 128, Recommendation 128.1 by Australia; Recommendation 128.2 by New Zealand; and Mozambique 2nd cycle, A/HRC/32/6/Add.1 - para. 7, Recommendation 129.3 by Ghana.

ⁱⁱⁱ *Supra* Note 1, para. 128, Recommendation 128.33 by Turkey, 128.34 by Poland and Georgia, Recommendation 128.35 by Latvia, and Recommendation 128.36 by the UK.

^{iv} *Ibid*, para. 128, Recommendation 128.36 by the UK, Recommendation 128.37 by the USA, and Recommendation 128.38 by Sweden.

^v *Supra* note 1, para. 128, Recommendation 128.31 by Sierra Leone.

^{vi} *Supra* note 1, para. 130 & A/HRC/32/6/Add.1 - para. 29, Recommendation 130.3 by Côte d'Ivoire. *See also* Recommendation 130.4 by Togo; Recommendation 130.2 by Tunisia; and Recommendation 130.5 by France

^{vii} *See* OHCHR database on standing invitations, available at <https://spinternet.ohchr.org/StandingInvitations.aspx?lang=en>.

^{viii} *See* OHCHR Special Procedures database, available at <https://spinternet.ohchr.org/>.

^{ix} Due November 2006 and April 2005, respectively.

^x Due May 2010.

^{xi} *Supra* note 1, para. 128, Recommendation 128.14 by Norway

^{xii} *See* Article 8 of the Lei de revisão do Código de Processo Penal, Lei n.º 25/2019 published in the government gazette on December 26, 2019, available at: <https://reformar.co.mz/documentos-diversos/lei-25-2019-lei-de-revisao-do-codigo-do-processo-penal.pdf> and Article 8 of the Lei de revisão do Código do Código Penal, Lei n.º 24/2019 published in the government gazette on December 24, 2019, available at:

<https://reformar.co.mz/documentos-diversos/lei-24-2019-lei-de-revisao-do-codigo-penal.pdf>.

^{xiii} Mozambique's 2nd Cycle, A/HRC/32/6 - para. 130 & A/HRC/32/6/Add.1 - para. 29, Recommendation 130.3 by Côte d'Ivoire. *See also* Recommendation 130.4 by Togo; Recommendation 130.2 by Tunisia; and Recommendation 130.5 by France.

^{xiv} UNHRC, Report of the Working Group on the Universal Periodic Review: Mozambique 2nd cycle, April 12, 2016, A/HRC/32/6, available at [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/29/PDF/G1607529.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G16/075/29/PDF/G1607529.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/29/PDF/G1607529.pdf?OpenElement) - para. 128, Recommendation 128.1 by Australia; Recommendation 128.2 by New Zealand; Recommendation 128.3 by France and Georgia; Recommendation 128.4 by Ghana; Recommendation 128.5 by Germany, Kenya, Montenegro, Turkey, Timor-Leste, Poland and Tunisia; Recommendations 128.6 by Spain; Recommendation 128.7 by Indonesia; Recommendation 128.8 by Namibia; Recommendation 128.9 by Portugal; and Recommendation 128.10 by Slovakia.

^{xv} *Ibid*, para. 128, Recommendation 128.1 by Australia; Recommendation 128.2 by New Zealand; and Mozambique 2nd cycle, A/HRC/32/6/Add.1 - para. 7, Recommendation 129.3 by Ghana.

^{xvi} Mozambique Asset Management (MAM), ProIndicus, and Empresa Moçambicana de Atum (Ematum).

^{xvii} U4 Anti-Corruption Resource Centre, The Mozambique hidden loans case: An opportunity for donors to demonstrate anti-corruption, 2018, available at <https://www.u4.no/publications/the-mozambique-hidden-loans-case-an-opportunity-for-donors-to-demonstrate-anti-corruption-commitment>. *See also*, Reuters, Factbox: Mozambique debt crisis- What does the country owe, and to whom?, September 9, 2019, available at <https://www.reuters.com/article/us-mozambique-debt-creditors-factbox/factbox-mozambique-debt-crisis-what-does-the-country-owe-and-to-whom-idUSKCN1VU1WE>.

^{xviii} Committee to Protect Journalists, Mozambique journalist abducted, assaulted, March 28, 2018, available at <https://cpj.org/2018/03/mozambique-journalist-abducted-assaulted/>.

^{xix} Star Tribune, 7 Beheaded by extremist in Mozambique's gas-rich North, February 7, 2020, available at <https://www.startribune.com/7-beheaded-by-extremists-in-mozambique-s-gas-rich-north/567658652/>. *See also* <https://www.cmi.no/publications/file/7231-war-in-resource-rich-northern-mozambique-six-scenarios.pdf>.

^{xx} Foreign Policy, Mozambique's insurgency is a regional problem, July 1, 2020, available at <https://foreignpolicy.com/2020/07/01/mozambique-islamist-insurgency-regional-problem-cabo-delgado/>.

^{xxi} International Crisis Group, Report on Mozambique's violence, available at <https://www.crisisgroup.org/crisiswatch/print?page=1&location%5B0%5D=125&crisis=&t=CrisisWatch+Database+Filter>.

^{xxii} *See* United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Cabo Ligado Weekly: 3 - 9 August 2020, 12 August 2020, <https://reliefweb.int/report/mozambique/cabo-ligado-weekly-3-9->

[august-2020](#).

^{xxiii} Statistics from the UNOCHA from July 2020, placed the number at 250, 000. See United Nations High Commissioner for Refugees- Mozambique, Cabo Delgado Update, August 2020, which quotes these statistics, available at:

<https://reporting.unhcr.org/sites/default/files/UNHCR%20Mozambique%20Cabo%20Delgado%20Update%20-%20Aug2020.pdf>.

^{xxiv} Carta de Mozambique, Attacks in Cabo Delgado: SDS hands out “combs” to citizens and military personnel in the nine affected districts, March 12, 2020, available at <https://cartamz.com/index.php/politica/item/4645-ataques-em-cabo-delgado-fds-passampente-fino-a-cidadaos-e-militares-nos-nove-distritos-afectadosp>.

^{xxv} Human Rights Watch, Report: Mozambique: Events of 2018, June 13, 2018, available at <https://www.hrw.org/world-report/2019/country-chapters/mozambique>.

^{xxvi} United States, State Department Country Report 2019 on Mozambique, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/mozambique/>.

^{xxvii} *Ibid.*

^{xxviii} American Bar Association, Centre for Human Rights, Effective counter-terrorism strategies do not include arresting journalists, April 11, 2019, available at https://www.americanbar.org/groups/human_rights/reports/ArrestsInCaboDelgado/. See also the Letter and Report submitted by the ABA CHR, to Mozambique’s Minister of Justice, Constitutional and Religious Affairs, available at

<https://drive.google.com/file/d/0B8HSIbsQeYKQNNzTjYtRkpmZTRpX0F0bHBFQklnX2p1ZVA4/view>.

^{xxix} *Ibid.*

^{xxx} *Ibid.*

^{xxxi} These are criminalised under articles 323, 406, 458(1), 389, 398(1) and 401(2) of Mozambique’s Penal Code respectively. See: Amnesty International, Urgent Action, Journalist charged with criminal offenses, Ninth UA: 001/19 Index: AFR 41/1029/2019 Mozambique Date, September 13, 2019, available at <https://www.amnesty.org/download/Documents/AFR4110292019ENGLISH.pdf>.

^{xxxii} Mozambique: Open letter of concern on declining human rights situation in the northern province of Cabo Delgado, April 29, 2020, Index number: AFR 41/2239/2020, available at

<https://www.amnesty.org/en/documents/afr41/2239/2020/en/>. The open letter was signed by 17 organisations.

^{xxxiii} On the evening of March 11, 2020, the security forces arrested Roberto Mussa Ambasse and Muemede Suleimane Jumbe, two local activists and community leaders, from their home in Palma district, northern Cabo Delgado, cited in Amnesty International report, available at <https://www.amnesty.org.uk/urgent-actions/end-smear-campaign-against-bishop-lisboa>.

^{xxxiv} Human Rights Watch, Mozambique: Journalist feared ‘disappeared’, April 17, 2020, available at <https://www.hrw.org/news/2020/04/17/mozambique-journalist-feared-disappeared>.

^{xxxv} Reporters Without Borders, Mozambique: Reporter missing for the past ten days in the far-north province, April 17, 2020, available at <https://rsf.org/en/news/mozambique-reporter-missing-past-ten-days-far-north-province>.

^{xxxvi} See for example: Mocambique: Policia mata cidadaos por violam estado de emergencia, e-Global, May 27, 2020, available at <https://e-global.pt/noticias/lusofonia/mocambique/mocambique-policia-mata-cidadaos-por-violarem-estado-de-emergencia/>. Two citizens were reportedly killed by the Police of the Republic of Mozambique for allegedly violating the state of emergency. See also DW, Policia promove acusados da morte de observador eleitoral em Moçambique, January 25, 2020, available at

<https://www.dw.com/pt-002/pol%C3%ADcia-promove-acusados-da-morte-de-observador-eleitoral-em-mo%C3%A7ambique/a-52148334>; and LUSA, Policia mata jovem por alegada desobediência, July 29, 2020, available at <https://noticias.sapo.mz/sociedade/artigos/policia-mata-jovem-por-alegada-desobediencia>.

^{xxxvii} Amnesty International, Mozambique: Video showing killing of naked woman further proof of human rights violations by State armed forces, September 15, 2020, available at <https://www.amnesty.org/en/latest/news/2020/09/mozambique-video-showing-killing-of-naked-woman-further-proof-of-human-rights-violations-by-state-armed-forces/>. See also Human Rights Watch, Mozambique: Alleged soldiers execute woman, September 17, 2020, available at <https://www.hrw.org/news/2020/09/17/mozambique-alleged-soldiers-execute-woman>.

^{xxxviii} Carta de Mozambique, Attacks in Cabo Delgado: SDS hands out “combs” to citizens and military personnel in the nine affected districts, March 12, 2020, available at <https://cartamz.com/index.php/politica/item/4645-ataques-em-cabo-delgado-fds-passampente-fino-a-cidadaos-e-militares-nos-nove-distritos-afectadosp>.

^{xxxix} ABA Center for Human Rights interview with Pindai Dube on July 29, 2020. See also: Breaking News: eNCA correspondent Pindai Dube released in Cabo Delgado, Mozambique, available at <https://clubofmozambique.com/news/breaking-news-enca-correspondent-pindai-dube-released-in-cabo-delgado-mozambique/>. See also Amnesty International, Mozambique: Elections period clouded by attacks on civil society leaders, activists and journalists, available at <https://www.amnesty.org/en/latest/news/2019/09/mozambique-elections-period-clouded-by-attacks-on-civil->

^{xi} *Ibid.*

^{xii} ABA CHR Interview with David Matsinhe on October 13, 2020. *See also*: Inter Press Services, Mozambique reels from repeated attacks on press freedom, September 23, 2020, available at <http://www.ipsnews.net/2020/09/mozambique-reels-from-repeated-attacks-on-press-freedom/>. *See also* CIVICUS, Open letter: Pope Francis' visit to Mozambique presents an opportunity to address human rights violations, September 2, 2019, available at <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>. *See also*: The Globe and Mail, Canadian scholar freed after military detention in Mozambique, December 19, 2018, <https://www.theglobeandmail.com/world/article-canadian-scholar-freed-after-military-detention-in-mozambique/>.

^{xiii} Amnesty International, Urgent Action: End smear campaign against Bishop Lisboa, First UA:132/20 Index: AFR 41/2914/2020, 26 August 2020. Available at: <https://www.amnesty.org/en/documents/afr41/2914/2020/en/>.

^{xiii} Mozambique's 2nd Cycle, A/HRC/32/6 – para. 128, Recommendation 128.79 by Canada. *See also* Recommendation 128.77 by Australia; Recommendation 128.78 by Ghana; Recommendation 128.73 by New Zealand; Recommendation 128.74 by Costa Rica; and 128.88 by Austria

^{xiv} Mozambique 2nd Cycle, A/HRC/32/6 – para. 128, Recommendation 128.121

^{xv} Mozambique's 2nd Cycle A/HRC/32/6/Add.1 - para. 7, Recommendation 129.35 by Latvia

^{xvi} BBC News, Mozambique Lawyer Giles Cistac assassinated in Maputo, March 3, 2015, available at <https://www.bbc.com/news/world-africa-31709161>. *See also* Amnesty International Report, Mozambique: Authorities must promptly investigate the killing of a lawyer, March 5, 2015, available at <https://www.amnesty.org/en/documents/afr41/1137/2015/en/>.

^{xvii} United Nations Educational Scientific and Cultural Organisation (UNESCO), Director-General Condemns murder of Mozambican journalist Paulo Machava, available at <https://en.unesco.org/news/director-general-condemns-murder-mozambican-journalist-paulo-machava>. *See also* Reporters Without Borders, Online newspaper editor gunned down on Maputo street, January 20, 2016, available at <https://rsf.org/en/news/online-newspaper-editor-gunned-down-maputo-street> and <https://cpj.org/data/people/paulo-machava/>.

^{xviii} Amnesty International, Turn the Page: A human rights manifesto for Mozambican political parties and candidates, October 2019 Elections, p.15, available at <https://www.amnesty.org/download/Documents/AFR4110192019ENGLISH.PDF>. *See also* News 24, Mozambique fails to probe rights abuses: UN, September 26, 2018, available at <https://www.news24.com/news24/africa/news/mozambique-fails-to-probe-rights-abuses-un-20180926>. *See also*: United States, Department of State, 2016 Country Reports on Human Rights Practices: Mozambique, available at <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/mozambique/>.

^{xlix} *Ibid.*

ⁱ Committee to Protect Journalists, Mozambique Journalist abducted, assaulted, March 28, 2018, available at <https://cpj.org/2018/03/mozambique-journalist-abducted-assaulted/>. *See also*: Human Rights Watch, Mozambique: Growing fear among activists, April 13, 2018, available at <https://www.hrw.org/news/2018/04/13/mozambique-growing-fear-among-activists>.

ⁱⁱ Amnesty International, Mozambique: Unprecedented arson attack on Canal Media must be promptly investigated, August 31, 2020, available at <https://www.amnesty.org/en/latest/news/2020/08/mozambique-unprecedented-arson-attack-on-canal-media/#:~:text=On%2023%20August%20an%20unidentified,destroying%20equipment%2C%20furniture%20and%20files>. *See also*: African News, Mozambican paper burnt down after state documents leaked, August 24, 2018, available at <https://www.africanews.com/2020/08/24/mozambican-paper-burnt-down-after-state-documents-leaked/>.

ⁱⁱⁱ *Ibid.*

^{liii} *Supra* note 38 at p.5.

^{liv} Congressional Research Service, Mozambique: Politics, economy and US relations, September 12, 2019, p.4 note 12, available at <https://fas.org/sgp/crs/row/R45817.pdf>.

^{lv} The Center was informed that in 2016 Fátima Mimbire's husband was reportedly approached by a stranger claiming to be an old classmate of his who told him to advise her to stop criticising the government. In December 2019, the brother of Edson Cortez, Executive Director of CIP was approached by three men with their faces covered looking for Edson Cortez. *See also*: Carta de Mozambique, Edson Cortez e alvo de ameaças e intimidacao, December 4, 2019, available at <https://cartamz.com/index.php/politica/item/3841-edson-cortez-e-alvo-de-ameacas-e-intimidacao>. *See also*: Transparency International, Condemnation of harassment against anti-corruption campaigner in Mozambique, December 5, 2019, available at <https://www.transparency.org/en/press/condemnation-of-harassment-against-anti-corruption-campaigner-in-mozambique#>.

^{lvi} *Ibid.*

^{lvii} Focus on Africa, Mozambique, Dark elections: Threats against human rights defender, Fatima Mimbire,

September 25, 2019, available at <https://www.focusafrica.info/en/mozambique-dark-elections-threats-against-human-rights-defender-fatima-mimbire/>. *See also:* Amnesty International, Turn the page! A human rights manifesto for Mozambican political parties and candidates, October 2019 Election, Index: AFR 41/1019/2019, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/AMR4110192019ENGLISH.PDF>. *See also:* Amnesty International, Mozambique: Woman human rights defender facing threats online: Fátima Mimbire, January 29, 2019, Index number: AFR 41/9744/2019, available at <https://www.amnesty.org/en/documents/afr41/9744/2019/en/>.

^{lviii} Mozambique's 2nd cycle A/HRC/32/6/Add.1 - para. 24, Recommendation 129.30 by Ireland. *See also* Mozambique's 2nd cycle, A/HRC/32/6/Add.1 - para. 25, Recommendation 129.31 by Norway; and Recommendation 129.32 by Switzerland.

^{lix} Penal Code of Mozambique, Articles 229, 231 and 235.

^{lx} Revised Penal Code, Law 24 of 24 December 2019, Articles 233 – 239.

^{lxi} Mozambican Press Law of 1991, Articles 46 and 47.

^{lxii} Mozambique's 2nd cycle, A/HRC/32/6/Add.1 - para. 24, Recommendation 129.30 by Ireland.