

HUMAN
RIGHTS
WATCH

Submission to the Universal Periodic Review of Mozambique

Human Rights Watch

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Introduction

1. Human Rights Watch submits the following information highlighting concerns about the Republic of Mozambique's compliance with its international human rights obligations since its last Universal Periodic Review (UPR) in 2016. The submission focuses on problems related to impunity for past and recent violations and abuses by state security forces during armed conflict.

Impunity for Past Serious Abuses

2. Mozambique accepted most of the recommendations made during its last UPR related to the investigation and prosecution by law enforcement of allegations of serious human rights violations, but has made little progress in implementing them (see for instance 128.79, 128.85).¹ Law enforcement continued its practice of not investigating a range of serious crimes, despite the government accepting Canada's recommendation to "ensure prompt, thorough investigations, and prosecution where evidence warrants, of all allegations of human rights violations, including torture."

3. The cases of 10 high-profile figures,² including senior opposition members, state prosecutors, and prominent academics, who were either killed or injured in apparently politically motivated attacks in 2016, remained unresolved. Likewise, the government provided no new information about 15 unidentified bodies³ found scattered under a bridge between the central provinces of Manica and Sofala in May 2016. A parliamentary commission established in June 2016 to investigate the case did not publish an account of its findings or state when it would complete its work.

4. Authorities also failed to investigate human rights abuses allegedly committed by government security forces in 2015 and 2016⁴ in relation to clashes with armed men from Renamo, such as enforced disappearances, arbitrary arrests and property destruction. In 2016, the United Nations High Commissioner for Human Rights said at least 14 Renamo officials were killed or abducted across the country in the first quarter of 2016. Mozambique's leading human rights group, Liga dos Direitos Humanos (LDH), said that government security forces abducted and summarily executed at least 83 people in the provinces of Manica, Sofala, Tete and Zambezia between November 2015 and December 2016. In cases investigated by Human Rights Watch,⁵ family members of "disappeared" people said that government officials had failed to provide them with information, despite strong evidence that security forces had detained their relative.

5. Human Rights Watch also documented cases of arbitrary detention and destruction of private property by government forces, as well as political killings, attacks on public transport, and looting of health clinics by the Renamo political party's armed group, between November 2015 and December 2016.⁶ Since a ceasefire was declared in December 2016, authorities have not held anyone accountable. Impunity for serious abuses by state security forces and Renamo persisted, and parliament in July 2019 approved a broad amnesty law that exempted Renamo members from prosecution for crimes committed between 2014 and 2016.⁷

6. The Mozambique authorities have in the past granted blanket amnesties for serious human rights abuses as part of peace negotiations. The UN Human Rights Committee has repeatedly stated that amnesties and other legal measures that prevent investigation, prosecution, and punishment of perpetrators of human rights violations and hinder the victims of such violations from being granted reparations are incompatible with a state's obligations under the International Covenant on Civil and

¹ All paragraph cites are to United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Mozambique, A/HRC/32/6, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/29/PDF/G1607529.pdf> (April 2016).

² Human Rights Watch, "Mozambique: Prominent Opposition Leader Killed" (October 11, 2016), <https://www.hrw.org/news/2016/10/11/mozambique-prominent-opposition-leader-killed>.

³ Club of Mozambique, "HRW calls for investigation into dead bodies in Gorongosa, Mozambique" (May 3, 2016), <https://clubofmozambique.com/news/hrw-calls-for-investigation-into-gorongosa-corpses-mozambique/>.

⁴ Human Rights Watch, "The Next One to Die" State Security Force and Renamo Abuses in Mozambique (2018), https://www.hrw.org/sites/default/files/report_pdf/mozambique0118.pdf.

⁵ Ibid.

⁶ Ibid.

⁷ Dewa Mavhinga, "Broad Amnesty in Mozambique Likely to Fuel Future Abuses," Human Rights Watch (July 30, 2019), <https://www.hrw.org/news/2019/07/30/broad-amnesty-mozambique-likely-fuel-future-abuses>.

Political Rights. The Committee further stated that where public officials have committed serious crimes such as killings, torture and enforced disappearances, governments “may not relieve perpetrators from personal responsibility, as has occurred with certain amnesties.”⁸

7. **Mozambique should:**

- Conduct prompt, thorough and impartial investigations into credible allegations of torture, enforced disappearances, arbitrary arrests and detention, and other serious abuses by government officials and their agents, including in cases in which the victims or their families do not file an official complaint. Appropriately prosecute those responsible, regardless of rank, according to international fair trial standards.
- Establish a national database of missing persons that includes information to help locate detainees and victims of enforced disappearances and killings, such as detailed information about the victim, known arrest and places of detention, and any investigations into the case.
- Adopt legislation to qualify, or completely nullify, past amnesties involving perpetrators of serious human rights abuses.

Abuses by state security forces during conflict

8. Mozambique accepted recommendations to “ensure that all allegations of extrajudicial executions, excessive use of force, arbitrary detentions or acts of torture are investigated and bring those responsible to justice” (128.76, 128.77, 128.78). However, state security forces continued to be implicated in grave human rights violations during military operations in the northern Cabo Delgado province, including illegal arrests, abductions, torture of detainees, excessive use of force against unarmed civilians, intimidation, and extrajudicial executions.

9. Since October 2017, Cabo Delgado has been a center of many battles between government forces and insurgents belonging to an Islamist armed group⁹ affiliated with the Islamic State, known locally as Al-Sunna wa Jama’ a (ASWJ). Human Rights Watch and other groups have documented alleged human rights abuses by both sides in Cabo Delgado,¹⁰ including killings, kidnappings, arbitrary detention, and ill-treatment of detainees. No one has been held to account for these abuses.

10. In April 2020, media reported that members of security forces were beating and harassing residents of Pemba, the capital of Cabo Delgado, for walking on the streets in the evenings.¹¹ In May, the Catholic bishop of Pemba, Luiz Lisboa, said that security forces were using excessive force against displaced people who sought refuge in Pemba city, after their villages were attacked by insurgents.¹² In September, videos and pictures emerged showing the attempted beheading, torture and other ill-treatment of prisoners by Mozambican soldiers in Cabo Delgado.¹³ Also in September, a video sent to Human Rights Watch showed men wearing army uniforms summarily executing a naked woman near Mocimboa da Praia.¹⁴ The Mozambican Armed Defense Forces (FADM) released a statement calling the video footage “shocking and horrifying.”¹⁵ Later, the Mozambican Defense Minister Jaime Neto said that

⁸ Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 18, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004).

⁹ Zenaida Machado, “Urgent Opportunity to Assist Mozambique Civilians at Risk,” Human Rights Watch (May 19, 2020), <https://www.hrw.org/news/2020/05/19/urgent-opportunity-assist-mozambique-civilians-risk>.

¹⁰ Human Rights Watch, “Mozambique: Security Forces Abusing Suspected Insurgents” (December 4, 2018), <https://www.hrw.org/news/2018/12/04/mozambique-security-forces-abusing-suspected-insurgents>.

¹¹ António Rodrigues, “Moçambique: relatos de abusos das forças de defesa em Cabo Delgado,” Público (April 16, 2020), <https://www.publico.pt/2020/04/16/mundo/noticia/mocambique-relatos-abusos-forcas-defesa-cabo-delgado-1912671>.

¹² Nadia Issufo, “Cabo Delgado: “As forças de defesa têm que ter mais cuidado,” DW (May 27, 2020), <https://www.dw.com/pt-002/cabo-delgado-as-for%C3%A7as-de-defesa-t%C3%AAm-que-ter-mais-cuidado/av-53586402>.

¹³ Amnesty International, “Mozambique: Torture by security forces in gruesome videos must be investigated” (September 9, 2020), <https://www.amnesty.org/en/latest/news/2020/09/mozambique-torture-by-security-forces-in-gruesome-videos-must-be-investigated/>.

¹⁴ “Mozambique: Alleged Soldiers Execute Women,” Human Rights Watch (September 17, 2020), <https://www.hrw.org/news/2020/09/17/mozambique-alleged-soldiers-execute-woman>.

¹⁵ “Mozambique: Army to investigate ‘horrific killing’ video,” BBC News (September 15, 2020), <https://www.bbc.com/news/world-africa-54159307>.

the video was doctored.¹⁶

11. ***Mozambique should:***

- Extend an invitation to the Office of the High Commissioner for Human Rights and a standing invitation to relevant United Nations special procedures—including the Working Group on Enforced or Involuntary Disappearances; the special rapporteur on extrajudicial, summary or arbitrary executions; and the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—to visit the country to investigate and make recommendations for ensuring justice and accountability, as well for reform of the security forces to act independently and professionally.
- Ratify the Rome Statute of the International Criminal Court and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the court and to investigate and prosecute genocide, crimes against humanity, and war crimes before its national courts in accordance with international law.

¹⁶ “Mozambique video of killing fake, says defence minister,” BBC News (September 16, 2020), <https://www.bbc.com/news/world-africa-54179776#:~:text=Mozambique's%20Defence%20Minister%20Jaime%20Neto,was%20circulated%20on%20social%20media>.