



BRIEFING TO THE PARLIAMENT (ASSEMBLY) OF MOZAMBIQUE

Issue date: 20 April 2009

To the Parliament of Mozambique,

Following the submission of the Procurator General's report to parliament, Amnesty International would like to share with you some of our concerns regarding the implementation of the Procurator General's mandate with regards to human rights violations by police in Mozambique.

Amnesty International understands that it is the responsibility of the Procurator General to ensure effective investigations into criminal cases, including cases of human rights violations by the police; as well as to ensure that criminal cases are sent to the courts for trial. In this regard, the Procurator exercises an important police oversight function.

According to information received by Amnesty International, in 2008 some police officers were tried and convicted for human rights violations in at least four cases. The organization hopes that these convictions following a fair trial will send a strong message that human rights violations by police officers will not be tolerated.

Despite some progress in investigating and prosecuting police officers for violating human rights, Amnesty International is concerned that the Procurator General has not effectively exercised his role of police oversight. The organization remains concerned about the numerous cases of human rights violations by the police that have not been brought to the courts for trial. In many instances, such cases have not been investigated and suspected police officers have not been charged. Amnesty International is concerned that the Procurator General has failed to ensure effective investigations into cases of human rights violations by the police and to ensure police officers are held accountable for human rights violations. This failure contributes directly to the growing culture of impunity within the police force, and thus to continued human rights violations by the police.

Amnesty International is also concerned about the lack of publicly available information concerning the progress of many cases of human rights violations by the police. The victims of such violations and/or their families or lawyers working on their behalf have found it difficult to obtain information relating to the progress of the cases. Local human rights organizations and the media, who also play an important police oversight role, have found it difficult to obtain information on cases involving human rights violations by the police. The lack of publicly available information relating to cases of human rights violations by police reinforces the perception that police are not being held accountable for violations and that the police enjoy impunity for violating human rights.

The following cases are emblematic of the numerous cases of human rights violations by the police that do not appear to have been investigated at all; and/or cases where, despite investigations indicating wrongdoing on the part of police officers, suspected officers have not been arrested or charged:

PEDRO MULAUDZI

In 2005, Pedro Mulaudzi was shot dead by police at the unit for preventive detention (Unidade de Prisão Preventiva) in Niassa Province. The police claimed he had been asked to carry food to other detainees in the cells and attempted to escape while doing this. According to the police, they first shot into the air then, when he did not stop running, they shot at him to immobilize him. However, an autopsy revealed that he had been shot from the front in the heart. A criminal process was instituted against the police officer who reportedly gave the order to shoot and the two officers who fired the shots. The Provincial Procurator requested that the police carry out an investigation. Despite the autopsy result, the police investigation concluded that the officers involved were not culpable as they had shot to immobilise, not to kill. No further action is known to have been taken. Amnesty International has been informed that the parents of Pedro Mulaudzi have since passed away. The organization has been told that the case is in the courts, but not much information is available in relation to the case.

JULENCIO GOVE

On the morning of Sunday 8 January 2006, 21-year-old Julêncio Gove witnessed six police officers in Matola, Maputo Province beating a young woman. He tried to intervene and urged police officers to stop, but was warned not to interfere. Stepping away from the police, he continued urging them to stop beating the woman. One of the officers fired a shot at him, and when he fell to the ground the police officers kicked him to death. The officer that shot Julêncio Gove was eventually arrested and charged with murder, but to date has not been tried. No charges appear to have been brought against any of the other police officers in connection with the beating of the woman or the kicking of Julêncio after he had been shot and lay on the ground. No further information has been made available regarding this case.

PENICELO

In 2007 Abranches Afonso Penicelo (also known as Abrantes Penicela) was kidnapped, beaten, given a toxic injection, shot and burnt by at least five police officers who left him for dead in a secluded area in Xhinavane, some 120 km north of Maputo. Abranches survived long enough to be taken to the Maputo Central Hospital and tell his story to his family and several police officers, including one from the 5th police station before dying of his injuries on 15 August. In January 2009 a senior police officer, was arrested and charged with murder. None of the other police officers suspected of involvement have been charged. The investigation apparently continues. A trial date has not been set.

JULIO NAFTAL

In the early hours of the morning on 8 November 2007, Julio Naftal Macule was asleep in a hotel room in Massinga, Inhambane, when police from the Rapid Intervention Force (FIR) suddenly pushed open the door and shot him. The police said they had apparently received reports that a criminal 'public enemy number one', was in the hotel room and when they pushed open the door of Júlio's room they immediately shot and killed him. Soon after his death Police authorities announced they had captured and killed Agostinho Chauque, 'the most wanted criminal in the country'. It was only after members of the press requested to see the body that the police said they had not actually caught Agostinho Chauque, but had nevertheless caught and killed 'a dangerous criminal'.

An autopsy was carried out at the Inhambane Provincial Hospital on 11 November 2007. By then the body was already in an advanced state of decomposition. The autopsy results showed that Júlio had died as a result of blood loss. A case was reportedly instituted in the Provincial Procurator's office in Inhambane and it appears that three police officers have been charged with murder, but do not appear to have been suspended from their duties pending trial. The trial has not yet been held.

CELSIO DAIMON

Celsio João Daimon, a student at the Universidade Pedagógica in Beira, was shot in the leg by police at his residence in Beira. At about 21.45 hours on 14 March 2008 Celsio was in a friend's room at his residence, watching television when a fugitive who had escaped from a prison appeared on the roof. Celsio went to close the door to his room which he had left open and encountered police officers who were chasing the fugitive. Although he immediately put his hands up and identified himself, the police, who were reportedly drunk, shot him with AKM rifles at close range. He was hit in the left thigh by at least one bullet. When the officers realized he was not the man they were looking for, they took his phone and left him lying there. Celsio João Daimon's brother took him to the police station to report the incident and left him on the ground while he went to find someone to report the incident to. Members of the Rapid Intervention Force (Força da Intervenção Rápida – FIR) arrived and started beating Celsio, apparently believing him to be the fugitive. When they realized he was not, they took him to hospital, where he had to have his leg amputated. Although three police officers were held accountable for his shooting, no charges were brought against members of the Rapid Intervention Force for beating Celsio as he lay on the grounds of the police station.

COSTA DO SOL

In July 2008, three police officers were sentenced to 21 years' imprisonment for the murder of Sousa Carlos Cossa, Mustafa Assane Momedé and Francisco Nhantumbo at a football field in Costa do Sol in April 2007. They were also ordered to pay US\$25,000 compensation to the families of the victims. The three men had been arrested and detained by police on 4 April 2007 and then taken to the football field in Costa do Sol where they were shot dead by the police.

Following the killing of the three men the Mozambican Human Rights League denounced the existence of police "death squads" responsible for the killing of suspects. The Procurator General reportedly confirmed the existence of these death squads in May 2007, but to date no further investigation or official action has been taken with regards to these death squads.

NELSON

In February 2009 Nelson José Ronda was talking to his friends near the Nsango market in Tete province when a police officer called him aside. He went over to the police officer who then shot him in the leg three times. The police officer alleged Nelson was a dangerous criminal who had been arrested for a variety of crimes. Eyewitnesses stated the reaction of the police was excessive as Nelson had not attempted to escape and had gone over to the police officer when called. Nelson was arrested and detained on suspicion of robbery, but no charges have been brought against the police officer for shooting Nelson in the leg.

KILLING OF A GANG OF FOUR

Samuel Nhambe, Aquilas Nguila, Candido Chirindza, and Francisco Chirindza were killed by the police in Maxaquene, Maputo province, during an alleged shoot-out. According to a police spokesman, the four men had escaped from Maputo security prison two days prior to their deaths. On 17 March 2006, they reportedly hijacked a minibus with a driver and three passengers in the vehicle. When the police found the minibus and apprehended the four men in the neighbourhood of Marracuene they reportedly searched for weapons inside the vehicle, but claimed they found none. The police allowed the men to drive the minibus to Maputo under police escort. However, they claimed the men opened fire with weapons they had hidden in the minibus and tried to escape. The police shot back and the men were killed in the alleged shoot-out.

Other such cases have occurred since 2006.

In February 2008 police shot and killed three suspected robbers in the Baixa area of Maputo. According to the police, the men were about to rob a bank and a factory. Almost a year later, at the end of January 2009, police shot at a suspected gang of criminals killing at least one. In both cases police officials alleged that they had prior knowledge of the planned robbery by the alleged robbers. Amnesty International is concerned that despite this prior knowledge they were unable to apprehend the

suspects without resort to lethal use of force. No investigations appear to have been carried out to determine whether the police used lawful and proportionate force to the extent required for the performance of their duty in these cases. No further information is available in relation to the cases.

The Procurator General's annual report to parliament is supposed to be a publicly available document detailing progress in criminal proceedings and thus providing transparency and accountability. However, in reality it is practically impossible for the ordinary citizen to obtain timely access to this report. The Procurator General's annual report for 2008 which covers the year 2007 for example, was not available even by request in 2008 and only became accessible on-line about a month before the 2009 report was scheduled to be presented in parliament. By this time its contents were outdated and not very informative. The report, for example, cited the *Costa do Sol* case, stating that it had been referred to the courts for trial, but did not mention that the suspects in the case were police officers.

The annual report is an important accountability tool but in order for it to be an effective tool for increased police accountability, it should be publicly accessible in a timely manner and should clearly detail the progress of cases involving the police. Making it available on-line, when majority of people in Mozambique do not have access to internet, and one month before the next report is due severely erodes its efficacy as a means of increasing police oversight.

Amnesty International is concerned about the continuing cases of human rights violations by the police in Mozambique and the impunity the police appear to enjoy for these violations. Such impunity is evidenced by the lack of criminal investigations, criminal charges brought against police and trials of police officers. The lack of publicly available information regarding the progress of cases against police officers reinforces the perception that the police have a licence to kill and contributes to continued human rights violations. It is important that information on the progress of cases is made available to victims or their families. Information on the progress, especially of highly publicised cases, should be made publicly available so that justice is not only done, but seen to be done.

RECOMMENDATIONS

Amnesty International urges Parliament to

- raise the concerns in this briefing with the Procurator General
- request information from the Procurator on the cases mentioned in this briefing, as well as other similar cases of human rights violations by the police

Parliament should also call upon the Procurator General to

- ensure that the Procurator General's annual report to parliament, which is a public document, is accessible to the public in a timely manner and contains detailed information of proceedings against police officers for human rights violations, especially those cases that have been highly publicised
- contribute to ending police impunity for human rights violations, including by:
 - ensuring that all cases of human rights violations by the police are promptly, fully and transparently investigated; and that police officers suspected of involvement are brought to justice.
 - ensuring that victims of human rights violations by police, or their families in cases resulting in death, receive adequate reparation.
 - regularly providing information regarding the progress of cases of human rights violations by police to victims or their families, as well as to human rights organizations and the public at large.