

URGENT ACTION

JOURNALIST CHARGED WITH CRIMINAL OFFENSES

On 5 September 2019, journalist Amade Abubacar and his lawyer were notified by the Office of the Public Prosecutor of Cabo Delgado Province of final charges against him. On 10 September, the defence presented a response to the accusation. The Cabo Delgado Provincial Court will now decide whether to accept the charges against Amade or withdraw the accusations against him.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice, Constitutional and Religious Affairs
Joaquim Veríssimo
Ministry of Justice, Constitutional and Religious Affairs
Av. Julius Nyerere 33
Maputo, Mozambique
Email: mjcr@mjcr.gov.mz
and vilanchic@yahoo.com.br

Dear Honourable Minister Joaquim Veríssimo,

On 5 September 2019, Amade Abubacar, a journalist with Nacedje Community Radio, and his lawyer were notified by the Office of the Public Prosecutor of Cabo Delgado Province of final charges against him. The charges include, "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" respectively under articles 323, 406, 458, §1, 389, 398, §1 and 401, §2 of Mozambique's Penal Code.

On 10 September, Amade's defence presented a response to the final accusation brought by the Office of the Public Prosecutor of Cabo Delgado Province. The Cabo Delgado Provincial Court will now decide whether to accept the charges against Amade or withdraw the case against him.

Amade Abubacar has been prevented from accessing his bank account as his bank card and ID card were confiscated during his arrest. The criminal proceedings against him have been prolonged and his freedom of movement continues to be restricted. This has caused a strain on him and his family.

I urge you to ensure that all the charges against Amade Abubacar are dropped immediately as he has been charged solely for peacefully exercising his right to freedom of expression while working as a journalist. I call on you to ensure that Amade's fair trial rights are respected and that, if charges are not dropped, he is tried within a reasonable time as recognized under international fair trial standards. Finally, I urge you to guarantee that the right to freedom of expression and media freedom are fully respected and protected and that journalists can carry out their work without fear of attack, intimidation, or harassment.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Amade Abubacar is a freelance journalist who also works with Nacedje community radio based in Macomia district, Cabo Delgado province. The police arrested him on 5 January 2019 in Macomia district and took him to Macomia's Police Station. At the time of his arrest, he was interviewing internally displaced people (IDPs) who had fled their homes due to the intensification of violent attacks carried out by people believed to be members of an extremist group known as Al-Shabaab. On the same day, Amade was transferred from police custody to military custody, where he spent 12 days in incommunicado detention, and he alleges to have been subjected to different torture and other ill-treatment. He was transferred back to police custody on 17 January.

He was first brought before court on 18 January, which was beyond the 48 hours limit set by law for a person to be brought to court after arrest. The Macomia's District Judicial Court ordered his continued pre-trial detention at the Macomia District Police Command. On 24 January, Amade was transferred from the Macomia district prison to Mizeze prison in Pemba city, the capital of Cabo Delgado province.

He was held in pre-trial detention for more than 90 days before being formally charged. Article 308 of the Criminal Procedural Code states that a person cannot be held in pre-trial detention for more than 90 days after their arrest.

On 16 April, after more than 90 days in pre-trial detention, Amade was formally charged. On 23 April, journalist Amade Abubacar was granted provisional release from Mizeze prison in Pemba City by the Cabo Delgado Provincial Court.

In addition to Amade, Germano Daniel Adriano, a journalist at Nacedje community radio station, was arrested on 18 February 2019 by security forces and detained incommunicado in Mizeze prison. Germano is being jointly charged with Amade Abubacar.

Since May 2019, the Cabo Delgado Provincial Court has adjourned Amade's case three times; the first hearing, scheduled for 17 May, was postponed to 23 May due to a conflicting appointment in the judge's agenda. On 23 May, the Cabo Delgado Provincial Court adjourned the hearing to 27 June because the wrong witnesses had been brought to the Court. On 27 June the pre-trial hearing was postponed to 25 July due to a clerical error.

The northern districts of Cabo Delgado province, including Macomia, have experienced armed attacks since October 2017. The attacks are carried out by people believed to be members of an extremist group, Al-Shabab, who invade villages, set houses on fire, hack villagers to death with machetes and loot their food. Several residents of the attacked villages have fled to other districts fearing for their lives. This province is important to the central government due to its richness in mineral resources, including gas and rubies. Therefore, the government increased the military presence in the region after the attacks began. Since then, the authorities have intimidated, harassed, and prevented journalists from reporting on the situation. Amade has been covering attacks on civilians by armed groups in the Cabo Delgado province since they first started.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 25 October 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Amade Abubacar (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr41/0890/2019/en/>