

JOINT OPEN LETTER

Your Holiness, Pope Francis
Apostolic Palace
00120 Vatican City

AI Index: AFR 41/0987/2019

3 September 2019

Re: Open letter on human rights to Pope Francis from Civil Society groups on his visit to Mozambique

Your Holiness, Pope Francis

We, the undersigned, are writing as a group of non-governmental organisations working to promote and defend human rights in many countries around the world, including Mozambique. Ahead of your visit to Mozambique scheduled to take place between 4 and 6 September 2019, we would like to bring to your attention a number of human rights issues of concern and to urge you to use your visit as an opportunity to publicly support our call for the protection and promotion of human rights particularly as the country prepares to hold its 6th general elections in October 2019, since the end of the civil war in 1992.

We are gravely concerned by the increasing intimidation and harassment of human rights defenders, activists, civil society organisations and media, the deterioration of the human rights situation in Cabo Delgado, the lack of accountability, justice and effective remedies for victims of human rights violations and abuses as well as violations of the rights of refugees and asylum seekers.

Crackdown on freedom of expression, association and peaceful assembly, and media freedom

In the past year, there has been an increasing crackdown on dissent particularly the rights to freedom of peaceful assembly and association, freedom of expression, and media freedom by the Mozambican government. Freedom of movement of Human Rights Defenders (HRD's), political actors, journalists and civil society groups has also come under increasing attack.

In the aftermath of the October 2018 municipal elections, several human rights defenders, civil society activists and local journalists received anonymous death threats, intimidating phone calls and messages. This was in apparent retaliation for their participation in the election process, which included monitoring polling stations and publishing live municipal elections results.¹

¹ Amnesty International (19 October 2018) *Mozambique: Journalists and Activists Threatened* – AFR 41/9263/2018. Available at: <https://www.amnesty.org/en/documents/afr41/9263/2018/en/>. Amnesty International (17 October 2018) *Mozambique: Journalists and activists face death threats and intimidation in post-election witch-hunt*. Available at:

Among those targeted for their participation in monitoring the 2018 municipal election were priests Father Benvindo Tapua and Father Cantifulas de Castro, Director and Deputy Director of Radio Encontro respectively.² Journalists from Catholic run radio stations, Watana and Radio Encontro, were intimidated and harrassed. Others were assaulted, including a reporter for Miramar television station who was attacked by a member of the main opposition party, the Mozambique National Resistance's (RENAMO), when he was covering a riot at the local RENAMO's office in Chimoio, Manica province.³

We have also seen repression by Mozambican authorities of the rights to freedom of peaceful assembly and association. From 21 to 24 January 2019, the police surrounded the office of the Centre for Public Integrity (CIP), an independent civil society organisation, which launched a campaign against the repayment of alleged illegally acquired secret loans amounting to USD2.2 billion which were taken under former president Armando Guebuza. The police also ordered people to remove campaign T-shirts and CIP's employees to stop distributing the T-shirts.⁴

In March 2019, authorities disrupted one march and initially blocked another both in the capital Maputo. On March 1, police officers armed with rifles disrupted a march organized by a local primary school to mark the city's annual carnival. Four days later, the mayor of Maputo rejected plans for Mozambique's leading women's rights group, Forum Mulher, to march against domestic violence on International Women's Day.⁵

We fear escalation of the crackdown and climate of repression of the rights to freedom of expression, peaceful assembly and association and media freedom ahead of the forthcoming general elections.

Human Rights violations and abuses in the Cabo Delgado province

Since October 2017, the northern districts of Cabo Delgado province have experienced appalling attacks by individuals believed to be members of an armed group known as "Al-Shabaab". The attackers have invaded villages, set houses on fire, hacked villagers to death with machetes and looted their food. In response, the government increased military presence in the region, however, the authorities' response has been concerning. Security

<https://www.amnesty.org/en/latest/news/2018/10/mozambique-journalists-and-activists-face-death-threats-and-intimidation-in-post-election-witch-hunt/>.

² Amnesty International (19 October 2018) *Mozambique: Journalists and Activists Threatened – AFR 41/9263/2018*. Available at: <https://www.amnesty.org/en/documents/afr41/9263/2018/en/>.

³ All Africa (3 May 2019) *Mozambique: Misa warns of deteriorating press freedom*. Available at: <https://allafrica.com/stories/201905030729.html>

⁴ Amnesty International (29 January 2019) *Mozambique: Woman human rights defender facing threats online: Fátima Mimbire*. Available at: <https://www.amnesty.org/en/documents/afr41/9744/2019/en/>

⁵ Human Rights Watch (13 March 2019) *Armed police break up Mozambique Children's march – Women's day protest proceeds after initial ban*. Available at: <https://www.hrw.org/news/2019/03/13/armed-police-break-mozambique-childrens-march>

forces have reportedly intimidated, harassed, arbitrarily arrested and detained people on suspicion of belonging to the armed group. In addition, there are allegations of the detainees being subjected to torture and other ill-treatment. Deeply concerning are reports of cases of summary executions. Security forces have also intimidated, detained and even charged journalists and human right defenders and researchers who have been investigating the humanitarian crisis as well as the violations and abuses by state security forces.⁶

On 5 January 2019, journalist Amade Abubacar was arrested by police officers of Macomia district without a warrant while he was interviewing villagers who had fled their homes due to intensified attacks carried out by individuals believed to be members of an armed group.⁷ Amade was held in pre-trial detention for nearly 100 days, including 12 days in incommunicado military detention.⁸ On 23 April, Amade was granted provisional release from Mizeze prison in Pemba city.⁹ He is still facing accusations of crimes of “public incitement through electronic media” and “incitement” and “injury against public officials”.¹⁰

In December 2018, Estacio Valoi, an investigative journalist, and David Matsinhe, a researcher at Amnesty International, were arrested by the military and held incommunicado for two days in Mocimboa da Praia district, accused of spying and aiding and abetting the armed group “Al-Shabaab”. They were released without charges, but their equipment remains confiscated by the military for “further investigation.”¹¹ The area remains a virtual no-go area for the press, with negative implications for citizens’ right to know.

Accountability and justice for victims of human rights violations and abuses

We are very concerned about the continued impunity for human rights crimes, including extrajudicial executions, enforced disappearance, torture and other ill-treatment which has created an environment of public fear and insecurity. Several organizations have documented numerous cases which remain unresolved, including:

⁶ Human Rights Watch (4 December 2018) *Mozambique: Security forces abusing suspected insurgents*. Available at: <https://www.hrw.org/news/2018/12/04/mozambique-security-forces-abusing-suspected-insurgents>

American Bar Association (11 April 2019) *Mozambique: Effective counter-terrorism strategies do not include arresting journalists*. Available at: https://www.americanbar.org/groups/human_rights/reports/ArrestsInCaboDelgado/

⁷ Amnesty International (11 January 2019) *Mozambique: Journalist Arbitrarily detained incommunicado: Amade Abubacar*. Available: <https://www.amnesty.org/en/documents/afr41/9674/2019/en/>

⁸ Amnesty International (5 February 2019) *Mozambique: Further Information: Detained journalist denied family visits: Amade Abubacar*. Available: <https://www.amnesty.org/en/documents/afr41/9792/2019/en/>

⁹ Reporters Without Borders (23 April 2019) *Two Mozambican journalists freed after being held for months*. Available at: <https://rsf.org/en/news/two-mozambican-journalists-freed-after-being-held-months>

¹⁰ Amnesty International (19 August 2019) *Mozambique: Further information: Journalist awaits prosecutor’s decision: Amade Abubacar*. Available at: <https://www.amnesty.org/en/documents/afr41/0890/2019/en/>

¹¹ Committee to Protect Journalists, *Mozambican journalist arrested, held in military prison*, 9 January 2019. Available: <https://cpi.org/2019/01/mozambican-journalist-arrested-held-in-military-pr.php>

On 8 October 2016, Jeremias Pondeca, a senior member of the Mozambique National Resistance opposition party (RENAMO) and was also part of the mediation team seeking to end the clashes between RENAMO and the government, was shot dead in Maputo by unknown men suspected of being part of a death squad composed of state security officers.¹²

On 27 March 2018, unknown gunmen abducted human rights lawyer Ericino de Salema outside the offices of the Mozambican Union of Journalists in Maputo.¹³ The men then beat and abandoned him on the Maputo Ring Road. As a result of the assault, Mr. Salema suffered serious fractures to his arms and legs. At the time of the attack, Mr. Salema was the resident political commentator on the television show, STV's Pontos de Vista, on which he has often taken positions critical of the government's policies. It is feared that the attack was likely in retaliation for his critical views in the course of his professional duties.

On 4 October 2017, an unidentified gunman assassinated the then mayor of Nampula City, Mahamudo Amurane, at his home.¹⁴ Since his election as mayor of Nampula in 2013, Mahamudo Amurane had embarked on a public quest to root out alleged corruption in the city's administration and revitalize public infrastructure.

Violations of the rights of refugees and asylum seekers

Despite the government's international commitment to respect and protect the rights of refugees and asylum seekers, we documented worrying reports of arbitrary arrests and deportation of refugees by the state security forces and immigration officers.

On 17 January 2019, police and immigration officers arrested 15 refugees and asylum seekers (14 men and one woman) from the Democratic Republic of Congo (DRC) and one male refugee from Ethiopia who were at the time residing in Maratane Camp in Nampula province. According to their testimonies, they were arrested without a warrant, hand-cuffed and beaten. They were not immediately informed of the reasons for their arrest and detention.¹⁵

The 16 refugees and asylum seekers are currently detained at the Third Police Station in Pemba. The 16 people have been held for more than seven months, and they have not been notified of the reason for their detention or of any criminal charges against them. They have also not been brought before a court. According to interviews conducted with the detainees

¹² Human Rights Watch (11 October 2016) *Mozambique: Prominent opposition leader killed*. Available at: <https://www.hrw.org/news/2016/10/11/mozambique-prominent-opposition-leader-killed>

¹³ Committee to Protect Journalists (28 March 2018) *Mozambique journalist abducted, assaulted*. Available at: <https://cpi.org/2018/03/mozambique-journalist-abducted-assaulted.php>

¹⁴ Amnesty International (5 October 2017) *Mozambique: Killing of anti-corruption mayor must be investigated*. Available at: <https://www.amnesty.org/en/latest/news/2017/10/mozambique-killing-of-anti-corruption-mayor-must-be-investigated/>

¹⁵ Amnesty International, *Mozambique: refugees, asylum seekers held arbitrarily*, 13 June 2019. Available at: <https://www.amnesty.org/en/documents/afr41/0465/2019/en/>

by Amnesty International, they are being held in inhumane conditions. The detainees were forced to dig a hole in the police station's patio to use as a toilet. They have been drinking possibly contaminated water that is yellow in colour from the cell's sink. Sometimes those who can afford it pay someone to buy them bottled water.¹⁶

On 23 January 2019, 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 not notified of a deportation order, nor were they permitted to challenge their deportation in court. According to testimony from the seven men, the immigration officers forced them to board a flight to Kinshasa, DRC. When they arrived at the Kinshasa airport, the immigration officer denied them entry and ordered their return to Mozambique. They were returned to Pemba city on 26 January and taken to the Third Police Station, where they are still being detained.

In light of the above, we are calling on Your Holiness to raise these human rights concerns with the Government of Mozambique and request that the government immediately look into the matters and take concrete and meaningful steps to respect, protect, promote and fulfill human rights.

In addition, we ask that Your Holiness reiterate to the government that it must ensure that members of civil society including journalists, researchers and lawyers can carry out their work freely and without fear of attacks, intimidation, harassment. The government must also ensure prompt, thorough, impartial and independent investigations into cases of extrajudicial killings, arbitrary arrests and detention and other cases of human rights violations and abuses and that those suspected to be responsible are brought to justice in fair trials.

We hope that Your Holiness' visit to Mozambique presents a genuine opportunity to the government of Mozambique to reaffirm its commitment to upholding the human rights enshrined in the Constitution of the Republic, as well as the government's regional and international human rights obligations and commitments.

Thank you for your consideration of this letter.

Yours Sincerely,

African Freedom of Expression Exchange (AFEX)

Africans Rising

¹⁶ Amnesty International, *Mozambique: Further information: refugees, asylum seekers held without charge*, 16 August 2019. Available at: <https://www.amnesty.org/en/documents/afr41/0880/2019/en/>

Amnesty International

CIVICUS

Committee to Protect Journalists (CPJ)

Federation of Journalists of Portuguese Language (FJLP)

Human Rights Watch

IFEX

International Press Institute (IPI)

MISA-Mozambique

Parlamento Juvenil – Moçambique

Reporters Sans Frontiers

Southern Africa Litigation Centre (SALC)

Solidariedade Moçambique (SOLDMOZ-ADS)

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