

# URGENT ACTION

## REFUGEES AND ASYLUM SEEKERS MUST BE RELEASED

Sixteen refugees and asylum seekers, fourteen men and one woman from the Democratic Republic of Congo (DRC) and one man from Ethiopia, have been arbitrarily detained in Pemba, northeast Mozambique, for more than ten months in appalling conditions. They still have not been notified of the reason for their detention or of any criminal charges against them and are being continuously harassed to sign repatriation requests.

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

**Minister Jaime Basílio Monteiro**

Minister of Interior

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Dear Minister Jaime Basílio Monteiro,

I am writing to you concerning the case of 16 people (11 refugees and five asylum seekers, 14 men and one woman from the DRC and one man from Ethiopia), who are currently detained at the Third Police Station in Pemba city, Cabo Delgado province.

On 31 October 2019, the Vice Minister of Interior, police officers, the Cabo Delgado Provincial Director of the National Immigration Service (SENAMI) and a representative of the National Institute of Refugees' Support (INAR) visited the 16 refugees and asylum seekers. According to the detainees' testimonies, during the meeting, the authorities explained that the Minister of Interior had issued a decision prohibiting them to continue living in Mozambique and that they wouldn't be allowed to enter Mozambique for ten years after their departure. The 16 detainees also said that the authorities told them to sign "voluntary repatriation" forms and threatened them with prolonged detention if they refused to. One of the DRC refugees signed a repatriation form, but the others refused. Already in August 2019 the authorities attempted to coerce them to request repatriation. The refugee who signed the repatriation form is still waiting for information on his repatriation.

The 16 detainees have been held in inhumane conditions for nearly eleven months. Their cell does not have a toilet, forcing them to dig a hole in the police station's patio to use as a toilet. They drink yellow water from the cell's sink and they have not been provided any food for more than a month. They have to buy food when they have money.

I urge you to:

- Ensure the immediate release of the 16 refugees and asylum seekers and allow them to return safely to the Maratane Camp in Nampula province,
- Ensure that no one is coerced into requesting repatriation or deported to their countries of origin or to any other country in which they would be at real risk of serious human rights violations, in line with Mozambique's international human rights obligations;
- Ensure that the 16 refugees and asylum seekers' detention conditions are in line with international standards, including access to food, water and adequate health care.

Yours sincerely,

## ADDITIONAL INFORMATION

The 14 men and one woman from the Democratic Republic of Congo (DRC), and one male refugee from Ethiopia were arbitrarily arrested by the Police of the Republic of Mozambique (PRM) and immigration officers on 17 January 2019 in Maratane Camp, in Nampula province, northern Mozambique. The police and immigration officers arrived at the Maratane Camp in the evening and beat, hand-cuffed and arrested the 16 refugees and asylum seekers without a warrant. On 19 January, the PRM transferred them to the Third Police Station in Pemba, Cabo Delgado province.

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 DRC. They were not notified of a deportation order, nor were they permitted to challenge their deportation. 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, immigration officers denied them entry and ordered their return to Mozambique.

On August 2019, the Cabo Delgado Provincial Director of the National Immigration Service (SENAMI) visited the 16 detainees, without notifying lawyers, and tried to coerce them into signing voluntary repatriation forms, arguing they would not be safe in Maratane Camp.

The 16 refugees and asylum seekers are currently detained at the Third Police Station in Pemba. They have been held for nearly eleven months, and they still 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 Article 308, §1°, N° 3, of the Criminal Procedural Code, a person cannot be held in pre-trial detention for more than 90 days after their arrest.

Everyone – including irregular migrants, regular migrants, asylum-seekers and refugees – has the right to due process and judicial guarantees, to adequate detention conditions, including access to food, water and adequate health care, and to not be subjected to arbitrary detention, ill-treatment, collective expulsion or *refoulement*. The international human rights principle of *non-refoulement* forbids states from transferring anyone to a place where they would be at real risk of serious human rights violations.

In April 2019, Cyclone Kenneth damaged vital infrastructure in Mozambique's northern province of Cabo Delgado. The Third Police Station, where the 16 refugees and asylum seekers are being held, was flooded when the cyclone hit and was left in poor condition.

Since October 2017, armed groups have killed civilians in the Cabo Delgado province, northern Mozambique. The attacks started in Mocimboa da Praia district (northern Cabo Delgado), involving members of a violent group, popularly known as Al-Shabab.

The 16 refugees and asylum seekers have family living in the Maratane Refugee Camp who lack the financial means to travel to Pemba to visit them. In addition, due to the ongoing violent attacks in Cabo Delgado province, road travel to Pemba could be very dangerous.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Portuguese, English.

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 19 December 2019

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

**NAME AND PREFERRED PRONOUN:** 14 men and one woman from the Democratic Republic of Congo, one man from Ethiopia (they/them)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/afr41/0465/2019/en/>