OPEN LETTER

27 April 2020  Index: AFR 41/2239/2020

His Excellency, Filipe Jacinto Nyusi
President of the Republic of Mozambique
Avenida Julius Nyerere, PABX 2000
Maputo, Mozambique

Your Excellency,

RE: OPEN LETTER OF CONCERN ON DECLINING HUMAN RIGHTS SITUATION IN THE NORTHERN PROVINCE OF CABO DELGADO, MOZAMBIQUE

We, the undersigned civil society organizations write to express our grave concern with the deteriorating human rights situation in northern Mozambique, particularly reports of violence against citizens by state security forces including the Rapid Intervention Unit (UIR) and the Special Operations Group (GOE), as well as the harassment and intimidation by these same forces of civil society groups (CSOs) and journalists simply for doing their work in the region. We are especially concerned with the enforced disappearance on April 7, 2020, of radio journalist, Ibraimo Abú Mbaruco, whose last known communication was of being “surrounded by soldiers”.¹

While we share the Mozambique government’s deep concern with the ongoing security crisis in Cabo Delgado, that has in recent months seen an alarming escalation of violence against residents and state infrastructures², and recognize that the government has a right and duty to ensure the safety of citizens from insurgent attacks, we reiterate that an effective counter terrorism strategy must respect and affirm rights, including the right to freedom of expression and media freedom. On April 7, 2020, Mbaruco, a young journalist with Palma Community Radio broadcaster was reported missing. He forcibly disappeared shortly after leaving work around 6pm. He sent a text message to his colleague that he was “surrounded by soldiers”.³ Mbaruco has not been seen or heard from since. His disappearance mirrors the case of journalist Amade Abubacar, who was in January 2019 arrested by soldiers and arbitrarily held in incommunicado detention for three months.⁴

Disturbing images have been circulating depicting state security forces of UIR and GOE stopping and assaulting passersby from Paquitequete neighborhood in the City of Pemba. On April 14,

³Id. Supra note 1.
⁴American Bar Association, Center for Human Rights, Preliminary concerns on the arrest and detention of Mozambican Journalist, Amade Abubacar, January 11, 2018, available at https://drive.google.com/file/d/0B8HSlsQsQyKQNlnzTWYRkpztZTrpX0F0bHBFQknXz21ZVAA/view.
2020, UIR and GOE forces detained for two hours the Pemba-based STV journalist, Hizidine Achá, confiscated his cellphone and forced him to delete images on his camera. The images showed the officers assaulting people. The brutal assault of people is in direct violation of the right to life, physical and mental integrity and the right to be free from torture, and other ill-treatment, as guaranteed under Article 40 (1) of Mozambique’s Constitution.

Earlier, in March 2020, it was reported that the Defense and Security Forces (FDS) were carrying out “raids” against residents in the nine affected districts of northern Mozambique, by stopping and interrogating individuals, subjecting them to arbitrary searches, and arresting any individuals whose electronic device contained audio messages or information on WhatsApp, Facebook or Twitter, relating to the attacks. Non-governmental organizations’ workers and journalists have been the primary targets of these actions.

These “raids” coupled with repeated restrictions on journalists attempting to cover the situation in the region corroborate conclusions of a systematic and deliberate effort to restrict access to information about the extent of the crisis in Cabo Delgado. We respectfully remind the government of Mozambique of the critical role that the right to freedom of expression and media freedom, can play in promoting equality, combating intolerance, and keeping people informed.

The security forces recently imposed an undeclared and therefore unjustified curfew from 7 pm to 5 am, in Pemba claiming that Paquitequete residents hide “insurgents” by allowing them to infiltrate groups of internally displaced persons who have fled attacks from the neighboring areas of Mocímboa da Praia, Macomia, Quissanga, Quirimbas, and Ibo island. The night curfew has also been reported in Palma city.

There is a crisis in Mozambique that grows more sophisticated by the day. Since the violence began in 2017, over 900 people have been killed and hundreds of thousands displaced. The humanitarian crisis has been exacerbated by the continuing effects of Cyclone Kenneth and now the challenges presented by the global COVID-19 pandemic. It is concerning that Mozambique’s response to the insurgent threats has been marred by allegations of human rights violations and abuses including extra judicial killings, arbitrary arrests and denial of access to information about what is happening in Cabo Delgado.

It is not surprising that this has resulted in concerns of alienation and mistrust in the communities. We echo warnings by United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Ms. Fionnuala

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8 Financial Times, Mozambique’s Islamist insurgency adds to gas industry nerves, April 21, 2020, available at https://www.ft.com/content/c6cb7bda-bf6e-4be9-983e-3cde54237f88.


Ní Aoláin, “[m]any violent extremism prevention programmes worldwide are directly contributing to human rights violations and may even foster radicalization instead of preventing it. ”

In light of the above, we respectfully urge the Mozambican authorities to refrain from harassing and intimidating people and CSOs, including workers of non-governmental organizations and journalists. We also urge the authorities to launch a prompt, thorough, impartial and effective investigation into the allegations of human rights violations and abuses committed by security forces and bring to justice all those suspected to be responsible. Furthermore, we strongly recommend that Mozambique adopt proactive measures to protect its people from excessive use of force by security forces. We specifically call for the Mozambican authorities to promptly, thoroughly and effectively investigate the enforced disappearance of journalist Ibraimo Abú Mbaruco and to be transparent in these efforts. In cases of the arrest and detention of individuals suspected of terrorist activity, we urge authorities to ensure full due process guarantees such as the right to be informed of the charges, access to legal representation and to be brought before a court within 48 hours. Finally, we call upon the Mozambican authorities to take concrete steps in adopting a human rights approach in its fight against insurgency in Mozambique, particularly the right to freedom of expression and access to information.

We thank you for your attention on this crucial matter.

Sincerely,

Africans Rising
Amnesty International
Associação Dos Jornalistas De Cabo Verde - AJOC
Centro Democracia e Desenvolvimento (CDD)
CIVICUS
Committee to Protect Journalists (CPJ)
Friends of Angola
Federação de Jornalistas de Língua Portuguesa - FJLP
Federação Nacional dos Jornalistas – FENAJ, Brasil
International Press Institute (IPI)
Media Institute of Southern Africa
OMUNGA
Reporters Without Borders (RSF)
Solidariedade Moçambique (SOLDMOZ-ADS)
Southern African Human Rights Defenders Network
Southern Africa Litigation Centre (SALC)
The African Editors' Forum (TAEF)