

URGENT ACTION

REFUGEES, ASYLUM SEEKERS HELD WITHOUT CHARGE

Fifteen refugees and asylum seekers (14 men, one woman) from the Democratic Republic of Congo (DRC) and one male refugee from Ethiopia have been arbitrarily detained for more than seven months. They have not been notified of the reason for their detention or of any criminal charges against them. According to Article 308 of the Criminal Procedural Code, a person cannot be held in pre-trial detention for more than 90 days after their arrest. They were arrested on 17 January at the Maratane Camp, in Nampula province.

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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Maputo, Mozambique

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Dear Minister Jaime Basílio Monteiro,

I am writing to you on the case of 16 people (11 refugees and five asylum seekers, 15 men and one woman), who are currently detained at the Third Police Station in Pemba city, Cabo Delgado province.

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 Article 308, §1º, N° 3, of the Criminal Procedural Code, a person cannot be held in pre-trial detention for more than 90 days after their arrest.

On 12 March, lawyers filed an application for the provisional release of the 16 refugees and asylum seekers and the Pemba Provincial Court has yet to rule on the request.

The 16 refugees and asylum seekers are being held in inhumane conditions. They share the same prison cell. The detainees dug a hole in the police station's patio to use as a toilet. They drink yellow water from the cell's sink when they don't have money to pay someone to buy bottled water.

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,
- Refrain from deporting them 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, pending their release, the 16 refugees and asylum seekers' conditions of detention are in line with international standards, including access to food, water and adequate health care.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



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 at Maratane Camp, in Nampula province. The police and immigration officers arrived at the Maratane Camp in the evening. On arrival at the camp, these officers beat, hand-cuffed and arrested the 16 refugees and asylum seekers without a warrant. On 19 January, the PRM transferred them from Nampula to the Third Police Station in Pemba, Cabo Delgado province. The refugees and asylum seekers were not informed of the reasons for their detention or of any criminal charges against them.

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.

The 16 refugees and asylum seekers are currently detained at the Third Police Station in Pemba.

Everyone – including irregular migrants, regular migrants, asylum-seekers and refugees – has the right to freedom of expression, peaceful assembly, 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*. All states are forbidden from transferring anyone to a place where they would be at real risk of serious human rights violations.

In April 2019, Cyclone Kenneth caused a landfall in Mozambique's northern province of Cabo Delgado. The cyclone destroyed houses and damaged vital infrastructure such as schools, hospitals, roads, sanitation facilities and communication networks. 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.

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

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. Members of the group invade villages, set houses on fire, hack villagers to death with machetes and loot their food. The residents of the villages changed their daily life for fear of attacks. Some do not sleep in their homes anymore and prefer to sleep on the beach. They avoid walking at night and some have fled to other districts.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese - English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 27 09 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/>