

URGENT ACTION

ACQUITTED ECONOMIST, EDITOR AWAIT APPEAL TRIAL
Economist Carlos Nuno Castel-Branco and newspaper editor Fernando Mbanze are still awaiting their appeal trial after the General Prosecutor challenged their acquittal in court. The two were acquitted on 16 September.

Carlos Nuno Castel-Branco and Fernando Mbanze were acquitted on 16 September. Their acquittal was on the grounds that the Facebook post by Carlos Nuno Castel-Branco and open letter published by Fernando Mbanze were only a critique and, according to the Mozambican law, a critique is not classified as a crime. The General Prosecutor filed an appeal challenging this judgment. The court is yet to set a date for the appeal hearing.

Carlos Nuno Castel-Branco, an economist, was charged on 11 June under Article 22 of the State Security Law for crimes against the security of the state due to a Facebook post he wrote in November 2013. In the Facebook post, he questioned the manner in which the President at that time, Armando Guebuza, was governing Mozambique. He was also accused of defaming the then president.

Fernando Mbanze, the editor of the Mozambican newspaper, MediaFax, published Carlos Nuno Castel-Branco's Facebook post as an open letter in the newspaper. He was charged with abusing the freedom of the press under article 42 of Press Law as well as under the State Security Law.

The two men had been on trial since 31 August. Their trial and appeal appear to be politically motivated as the two were charged and have undergone trial for peacefully exercising their right to freedom of expression.

Please write immediately in Portuguese, English or your own language:

- Urging the authorities to immediately withdraw the appeal against Carlos Nuno Castel-Branco and Fernando Mbanze and respect the court's decision;
- Calling on them to end the practice of harassment and intimidation of people peacefully expressing their views, and to uphold the right to freedom of expression;
- Calling on them to repeal all legislation which unduly limits freedom of expression.

PLEASE SEND APPEALS BEFORE 18 JANUARY 2016 TO:

Minister of Justice, Constitutional and Religious Affairs

Abduremane Lino de Almeida
 Ministry of Justice
 Av. Julius Nyerere, 33
 Maputo
 Republic of Mozambique
 Fax: 011 258 2149 4264 and 011 258 2148 7853

Salutation: A sua Excelência

General Prosecutor of Mozambique
 Beatriz da Consolação Mateus Buchili
 Office of the General Prosecutor
 Av. Vladimir Lenine, 121
 Maputo
 Republic of Mozambique
 E-mail: pgr@pgr.gov.mz
Salutation: Exma Dra.

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 162/15. Further information:

<https://www.amnesty.org/en/documents/afr41/2530/2015/en/>

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ADditional Information

The right to freedom of expression continues to be suppressed in the country. The government uses the State Security Law (Law 19/91) and the Press Law (Law 18/91) to restrict the right to freedom of expression.

Name: Carlos Nuno Castel-Branco and Fernando Mbanze
Gender m/f: m

Further information on UA: 162/15 Index: AFR 41/3005/2015 Issue Date: 7 December 2015