

URGENT ACTION

APPEAL AGAINST ACQUITTED MEN STILL PENDING

More than five months after the General Prosecutor filed an appeal against the acquittal of economist Carlos Nuno Castel-Branco and newspaper editor Fernando Mbanze, the court is yet to set a date for a hearing.

Carlos Nuno Castel-Branco and Fernando Mbanze were acquitted on 16 September 2015. 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 court decision. More than five months have passed and the court is yet to set a date for the appeal.

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 this 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 2015. 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. Accordingly, Amnesty International considers that the prosecution should not have been brought in the first instance.

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

- Urging the authorities to immediately withdraw the appeal against the acquittal of Carlos Nuno Castel-Branco and Fernando Mbanze;
- 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 31 MARCH 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: +258 2149 4264 and +258 2148 7853

General Prosecutor of Mozambique
Beatriz da Consolação Mateus Buchili
Office of the General Prosecutor
Av. Vladimir Lenine, 121
Maputo
Republic of Mozambique
Salutation: Hon.Dr.

Salutation: Your Excellency

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 fourth update of UA 162/15. Further information: <https://www.amnesty.org/en/documents/afr41/3005/2015/en/>

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ADDITIONAL INFORMATION

In December 2014, the Access to Information Bill came into effect in Mozambique. Despite this step forward, 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 41/3424/2016 Issue Date: 18 February 2016