

URGENT ACTION

DETAINED JOURNALIST YET TO BE CHARGED

On 5 April, Journalist Amade Abubacar will have spent 90 days in detention. He has yet to be formally charged with a recognisable criminal offense or put on trial. After the 90 days, his detention will be illegal since Article 308 of the Criminal Procedural Code states that a person cannot be held in pre-trial detention for more than 90 days after their arrest. He is being held at Mizeze prison in Pemba city, the capital of Cabo Delgado province.

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

*Minister of Justice, Constitutional and Religious Affairs
Joaquim Veríssimo
Ministry of Justice, Constitutional and Religious Affairs
Av. Julius Nyerere 33
Maputo, Mozambique
Email: mjcr@mjcr.gov.mz and vilanchic@yahoo.com.br*

Dear Honourable Minister Joaquim Veríssimo,

*I would like to bring to your attention the case of **Amade Abubacar**, a journalist with Nacedje community radio based in Macomia district, Cabo Delgado province, northern Mozambique.*

Amade has been arbitrarily detained while allegedly being investigated for crimes of “public incitement using electronic media” and “violation of State secrecy” under articles 322 and 323 of Mozambique’s Penal Code. He is currently at Mizeze prison in Pemba city, the capital of Cabo Delgado province. Prison authorities of Mizeze prison continue to restrict Amade’s right of access to family as he is only allowed to exchange letters with people who come to visit him in prison but not to meet them in person. He was arrested on 5 January while interviewing internally displaced people in Macomia District.

Amade has yet to be formally charged with a recognizable criminal offence or put on trial. It will be 90 days, on 5 April, since his detention. According to Article 308, §1º, Nº 3, of the Criminal Procedural Code, a person cannot be held in pre-trial detention for more than 90 days after their arrest.

His lawyer is waiting for communication on a bail application he filed on 26 February at the Cabo Delgado Provincial Court on behalf of his client.

I urge you to:

- *Ensure that the Mozambican authorities immediately and unconditionally release Amade Abubacar who is a prisoner of conscience detained solely for his work as a journalist;*
- *Ensure that, pending his release, Amade Abubacar is regularly brought before a judge and protected from torture and other ill-treatment, and that his conditions of detention are in line with international standards, including access to water, food and access to proper health care;*
- *Ensure that he is given prompt access to his family and is allowed regular visits by his family and lawyers;*
- *Ensure that the right to freedom of expression and media freedom are fully respected and that journalists are able to carry out their work without fear of attack, intimidation, harassment or censorship.*

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Amade Abubacar is a local journalist with Nacedje community radio based in Macomia district, Cabo Delgado province. He was arrested on 5 January by the Police of the Republic of Mozambique (PRM) in Macomia district and taken to Macomia's Police Station. He was arrested while interviewing internally displaced people (IDPs) who had fled their homes due to the intensification of violent attacks carried out by people believed to be members of an extremist group known as Al-Shabaab. On the same day, Amade was transferred from police to military custody, where he spent 12 days in incommunicado detention and he alleges that he was subjected to different forms of ill-treatment. He was transferred back to police custody on 17 January.

On 18 January, Macomia's District Judicial Court ordered his continued pre-trial detention at the Macomia District Police Command. On 24 January, Amade was transferred from the Macomia district prison to Mizeze prison in Pemba city, the capital of Cabo Delgado province. Amade Abubacar is in detention allegedly being investigated on the crimes of "public incitement using electronic media" and "violation of State secrecy" under articles 322 and 323 of Mozambique's Penal Code. By the end of March, the investigating authorities (SERNIC) had finalized their investigations and submitted Amade's investigation file to the Provincial Public Prosecutor's Office in Cabo Delgado. The Public Prosecutor has to either draw up the official charges against Amade or reject his case.

The northern districts of Cabo Delgado province, including Macomia, have experienced armed attacks since October 2017. The attacks are carried out by people believed to be members of an extremist group, Al-Shabab, who invade villages, set houses on fire, hack villagers to death with machetes and loot their food. Several residents of the attacked villages have fled to other districts fearing for their lives. This province is important to the central government due to its richness in mineral resources, including gas and rubies. Therefore, the government increased the military presence in the region after the attacks began. Since then, the authorities have intimidated, harassed and prevented journalists from reporting on the situation. Amade has been covering attacks on civilians by armed groups in the Cabo Delgado province since its beginning.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese - English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [15 05 2019]

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

NAME AND PREFERRED PRONOUN: Amade Abubacar (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/download/Documents/AFR4197922019ENGLISH.PDF>