

URGENT ACTION

TWO YEARS OF ARBITRARY DETENTION OF 16 PEOPLE

17 January marks two years that fifteen asylum seekers and refugees from the Democratic Republic of Congo (DRC) and one refugee from Ethiopia, have been arbitrarily detained in Pemba, northeast Mozambique, in appalling conditions. They must be immediately and unconditionally released.

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

Minister Helena Kida

Minister of Justice

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Maputo, Mozambique

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Dear Minister Helena Kida,

I am writing to you concerning the case of **16 people (11 refugees and five asylum seekers, 14 men and one woman from the DRC and one man from Ethiopia)**, who remain detained at the Third Police Station in Pemba city, Cabo Delgado province, northern Mozambique.

The 16 people have been detained since their arrest on 17 January 2019 without an arrest warrant. Two years have passed since they have been arbitrarily deprived of family contact. They have not been informed of the reasons for their continued detention, nor of any administrative or criminal procedures against them. They have also never been brought before a court to legalize their detention. According to Article 308, §1º, Nº 3, of the Criminal Procedural Code of Mozambique, a person cannot be held in pre-trial detention for more than 90 days after their arrest.

During these two years, the 16 detainees have been held in inhumane conditions. According to the detainees, their cell does not have a toilet, forcing them to dig several holes in the police station's patio to use as a toilet. They drink yellow water from the cell's sink, and they have not been provided with adequate food. They do not have mattresses and have to sleep on a sheet of paper on the floor. Their prolonged arbitrary detention in the current context of the global Covid-19 pandemic represents an additional and grave risk to the right to health of the 16 refugees and asylum seekers. The local authorities have not implemented any measures to avoid the spread of Covid-19 at the Third Police Station in Pemba.

On 12 March 2019, their lawyers filed a provisional release application, but the Pemba Provincial Court has yet to rule on the request.

I urge you to:

- **Ensure the urgent, unconditional and immediate release of the 16 refugees and asylum seekers and allow them to return safely to the Maratane Camp in Nampula province, northern Mozambique, and provide them with adequate compensation and reparation;**
- **Ensure that no one is coerced into "requesting" repatriation or deported 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.**

Yours sincerely,

ADDITIONAL INFORMATION

The 14 men and one woman from the 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 in Maratane Camp, in Nampula province, northern Mozambique. According to their testimonies, the police and immigration officers arrived at the Maratane Camp in the evening and beat, hand-cuffed and arrested the 16 people without a warrant. On 19 January 2019, the PRM transferred them to the Third Police Station in Pemba, Cabo Delgado province.

On 23 January 2019, the government of Mozambique deported seven men from this group, 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.

In August 2019, the Cabo Delgado Provincial Director of the National Immigration Service (SENAMI) visited the 16 detainees, without notifying their lawyers, and tried to coerce them into signing voluntary repatriation forms, arguing they would not be safe in Maratane Camp.

On 31 October 2019, the Vice Minister of Interior, police officers, the Cabo Delgado Provincial Director of the National Immigration Service (SENAMI) and a representative of the National Institute of Refugees' Support (INAR) visited the 16 detainees. According to the detainees' testimonies, during the meeting, the authorities explained that the Minister of Interior had issued a decision prohibiting them from living in Mozambique and that they would not be allowed to enter Mozambique for 10 years after their departure. The 16 detainees also said that the authorities told them again to sign "voluntary repatriation" forms and threatened them with prolonged detention if they refused to do so.

In May 2020, at its 87th session, the United Nations Working Group on Arbitrary Detention (UNWGAD) adopted an opinion on the case of the 16 refugees and asylum seekers arbitrarily detained, at that point for nearly a year and six months. The UNWGAD concluded that their arrest and detention lack legal basis and are arbitrary.

Everyone – including irregular migrants, regular migrants, asylum-seekers and refugees – has the right to 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. The international legal principle of non-refoulement forbids states from transferring anyone to a place where they would be at real risk of serious human rights violations.

In April 2019, Cyclone Kenneth damaged vital infrastructure in Mozambique's northern province of Cabo Delgado. 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.

Since October 2017, armed groups have killed civilians in the Cabo Delgado province, northern Mozambique. The attacks started in Mocímboa da Praia district (northern Cabo Delgado), involving members of an armed group, calling itself known "Al-Shabaab".

The 16 refugees and asylum seekers have family living in the Maratane Refugee Camp who lack the financial means to travel to Pemba to visit them. In addition, due to the ongoing violent attacks in Cabo Delgado province, road travel to Pemba could be very dangerous. As a result, all the 16 individuals have not seen their family since their arrest in January 2019.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese, English.
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 11 March 2021
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: 15 men and one woman (they/them)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr41/2603/2020/en/>