

URGENT ACTION

JOURNALIST AWAITS PROSECUTOR'S DECISION

Journalist Amade Abubacar's pre-trial hearing at the Cabo Delgado Provincial Court ended on 25 July. The court referred his case back to the Public Prosecution. The prosecutor will now decide whether to bring a case against Amade or withdraw the charges against him.

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 radio journalist with Nacedje community radio based in Macomia district, Cabo Delgado province, northern Mozambique.

On 25 July, Amade Abubacar's pre-trial proceedings at the Cabo Delgado Provincial Court ended. The Court sent his case back to the Public Prosecutor. It is now up to the Prosecution to decide whether to bring a case against Amade or withdraw the charges against him. During the pre-trial hearing, there was no one present from the Public Prosecutor's Office, only one of the two state witnesses appeared in court and the prosecution did not provide substantial evidence in the case against Amade.

On 23 April, Amade Abubacar was granted provisional release from Miezi prison in Pemba City by the Cabo Delgado Provincial Court. He is still facing charges for the crimes of "public incitement of a crime through electronic media", "incitement" and "injury against public officials", under articles 323, 393 and 406 of Mozambique's Penal Code. He was arrested 5 January 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.

Amade has been prevented from accessing his bank account as his bank card and ID card were confiscated during his arrest. The criminal proceedings against him have been prolonged and his freedom of movement continues to be restricted. This has caused a strain on him and his family.

I urge you to:

- Ensure all the charges against Amade Abubacar are dropped immediately as he has been charged solely for exercising his right to freedom of expression while working as a journalist;
- Ensure that Amade's fair trial rights are respected and that, if charges are not dropped, he is tried within a reasonable time as recognized under international fair trial standards;
- 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 or harassment.

Yours sincerely,

AMNESTY
INTERNATIONAL



ADDITIONAL INFORMATION

Amade Abubacar is a local journalist with Nacedje community radio based in Macomia district, Cabo Delgado province. He is also a freelance journalist. 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 member of an extremist group known as Al-Shabaab. On the same day, Amade was transferred from police custody to military custody, where he spent 12 days in incommunicado detention and he alleges to have been subjected to different forms of ill-treatment. Military forces are prohibited from holding civilian detainees in detention. He was transferred back to police custody on 17 January.

He was first brought before court on 18 January which was beyond the 48 hours limit set by law for a person to be brought to court after arrest. The 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 Mize prison in Pemba city, the capital of Cabo Delgado province.

On 16 April, after more than 90 days in pre-trial detention, he was formally charged. On 23 April, journalist Amade Abubacar was granted provisional release from Mizezi prison in Pemba City by the Cabo Delgado Provincial Court.

Amade is still facing accusations for the crimes of "public incitement of a crime through electronic media", "incitement" and "injury against public officials", under articles 323, 393 and 406 of Mozambique's Penal Code. He was held in pre-trial detention for more than 90 days before being formally charged. 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.

Since May 2019, the Cabo Delgado Provincial Court has adjourned Amade's case postponed three times. The first hearing, scheduled for 17 May, was postponed to 23 May due to a conflicting appointment in the judge's agenda. On 23 May, the Cabo Delgado Provincial Court adjourned the hearing to 27 June because the wrong witnesses had been brought to the Court. On 27 June the pre-trial hearing was postponed to 25 July due to a clerical error.

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 they first started.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese - English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [30 09 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/en/documents/afr41/0616/2019/en/>