

MOZAMBIQUE

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE 132ND SESSION, 28 JUNE -23 JULY 2021, LIST OF ISSUES PRIOR TO REPORTING

Amnesty International provides the information below to the UN Human Rights Committee ahead of the adoption of the List of Issues Prior to Reporting for the second periodic report of Mozambique at its 132nd session.

In this document, Amnesty International raises concern about abusive practices in pandemic response measures, extrajudicial executions, arbitrary detentions and other violations and abuses in the Cabo Delgado conflict, repression of freedom of expression and of the press, impunity and violation of the rights of refugees and asylum seekers.

The bibliography set-out in Annex 1 lists Amnesty International's recent publications, covering its key concerns about violations of the International Covenant on Civil and Political Rights.

1.1 PANDEMIC RESPONSE MEASURES (ARTS. 2, 7 & 9)

People living in low income neighbourhoods throughout the country had their right to food adversely impacted by lockdown measures introduced in response to COVID-19. For most of Mozambique's population, dependence on the informal economy required them to negotiate a living on the streets and informal markets daily. During the COVID-19 related state of emergency, they had to choose between hunger by staying indoors and complying with lockdown measures or going out despite the risk of contracting Covid-19 or facing the police who mostly used excessive force to disperse people off the streets. While the state failed to provide any social protection for those living in poverty, authorities used punitive measures, including arbitrary detention, against people who had stepped out simply in search of food, in violation of articles 7 and 9 of the ICCPR.¹

During the state of emergency in 2020, there was a sharp increase in gender-based violence (GBV) cases in Mozambique. The closure of schools in remote rural areas put girls at risk of child marriages. Limited passenger loads in public transportation exposed women to increased risk of violence on the streets and at bus stops late at night and early in the mornings.² Most of these women worked in feminized professions as essential and domestic workers.

RECOMMENDATIONS

Amnesty International recommends that Mozambique:

- Ensure that the social security infrastructure is sufficiently resourced to guarantee the right to an adequate standard of living for all and including protection from hunger; in particular, use the COVID Relief aid to alleviate the deplorable economic and social conditions of the poor in marginalized neighbourhoods.
- Ensure that prevention of, and protection from, gender-based and domestic violence is an integral part of national responses to pandemics and other emergencies, including by collection of disaggregated data in order to identify and prioritise supporting women and girls at greatest risk of different types of gender-based violence.

¹ Amnesty international, *southern Africa: governments must move beyond politics in distribution of covid-19 food aid*, 6 may 2020, <https://www.amnesty.org/en/latest/news/2020/05/southern-africa-governments-must-move-beyond-politics-in-distribution-of-covid19-food-aid/>

² Amnesty international, *southern Africa: treated like furniture*, 9 February 2021, <https://www.amnesty.org/en/documents/afro3/3418/2021/en/>

1.2 SUPPRESSION OF HUMAN RIGHTS DURING CONFLICT (ARTS. 6, 7, 9, 10, 14 & 19)

Since October 2017, the northern districts of Cabo Delgado province have experienced armed attacks by a group known locally as Al-Shabaab³. On 2 March, Amnesty International released the report "*What I saw is death: War crimes in Mozambique's Forgotten Cape*" (AFR 41/3545/2021). In this report, Amnesty International exposes and details violations and abuses of international human rights law and international humanitarian law committed by the armed group locally known as 'Al-Shabaab', the Mozambican Armed Defence Forces (FADM), the Rapid Intervention Unit (UIR) of the national police, and the South African private military company, Dyck Advisory Group (DAG). The report also examines the displacement of civilians and humanitarian crisis that have resulted from the fighting.

The abuses by 'Al-Shabaab' have been horrific. The group's fighters deliberately kill civilians, burn villages and towns, and commit heinous acts of violence with their machetes with such regularity that residents use two separate words, "beheaded" and "chopped," to differentiate between the methods of murder. Fighters have also abducted young women and children, including girls as young as seven.

The government has responded with violence of its own, not only against members of Al-Shabaab but also against community members accused of collaborating with or supporting the armed group.⁴ These government forces, including the military and police, have conducted extrajudicial executions, committed acts of torture and other ill-treatment, and mutilated the bodies of their victims. After security forces lost several battles—often running away and stripping off their uniforms to escape combat—the government hired a South African private military company Dyck Advisory Group (DAG) to fight 'Al-Shabaab'. According to 53 witnesses interviewed by Amnesty International, Dyck operatives have fired machine guns from helicopters and dropped explosives ("bombas") indiscriminately into crowds of people, failing to differentiate between civilians and military targets.

The violence has triggered a humanitarian crisis and disrupted livelihoods of thousands of families. By May 2021, the Armed Conflict Location and Event Data Project (ACLED) estimated that over 1,400 civilians have been killed during the conflict⁵, and according to the Mozambique's Ministry of Defence over 800,000 people are displaced internally⁶. But these are only estimates, as the population is scattered and much of the violence goes unreported. The situation continues undocumented as the government is increasingly escalating the clampdown on the right to freedom of expression and press freedom in Cabo Delgado.

The region has become a no-go zone for journalists. Amnesty International has consistently reported cases of journalists, researchers and human rights defenders who attempted to expose the situation in the region and were harassed, intimidated, arbitrarily arrested and detained, tortured and forcibly disappeared by the security forces (see section 1.3 *Crackdown on Fundamental Freedoms*).

In one of the latest 'Al-Shabaab' attack, which seized the town of Palma for several days, dozens of people were killed, including members of the local community and white contractors. According to testimonies to Amnesty International, the total lack of coordination between the Mozambican security forces and DAG resulted in evacuations that were blatantly racist.⁷ During the attack that started on 24 March 2021, an estimated 220 civilians sought refuge in the Amarula Hotel. Of these, 200 were black nationals, and about 20 were white contractors. Survivors of the attack told Amnesty International that the white contractors were prioritized to be airlifted to safety, and the black nationals were left to fend for themselves.

To this day, hundreds of people who fled Palma in different directions continued to be unaccounted for. This attack's intensity shows that unless the response to the armed conflict in Cabo Delgado is coordinated and genuinely seeks to address the root causes of the conflict, northern Mozambique will remain fertile for violence and pose risks of adverse transboundary regional impacts.

³ This group has no known relationship with Al-Shabaab in Somalia

⁴ Amnesty International, Mozambique: Authorities must do all needed to lawfully protect people in Cabo Delgado, 23 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/mozambique-authorities-must-do-all-needed-to-lawfully-protect-people-in-cabo-delgado/>

⁵ Cabo Ligado Weekly: 3-9 May 2021, ACLED, 11 May 2021. Retrieved on 17 May 2021 from <https://www.cabologado.com/reports/cabo-ligado-weekly-3-9-may-2021>

⁶ Meeting between Amnesty International and Ministry of Defence, 7 May 2021.

⁷ Amnesty International, Mozambique: Rescue attempts jeopardized by racial discrimination following Palma attack – new survivors' testimony, 13 May 2021, <https://www.amnesty.org/en/latest/news/2021/05/mozambique-rescue-attempts-jeopardized-by-racial-discrimination-following-palma-attack/>

Mozambique has violated the right to life, to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment, to not be subjected to arbitrary arrest or detention, the right of prisoners to be treated with humanity and respect for their dignity, fair trial rights and right to freedom of expression. See below individual cases that illustrate the pattern of violations committed by the Police of the Republic of Mozambique (PRM) and the Mozambique Armed Defence Forces (FADM).

1.2.1 PATTERNS OF VIOLATION IN CABO DELGADO

In September 2020, Amnesty International obtained and verified five videos and three photos that show the attempted beheading, torture and other ill-treatment of prisoners; the dismemberment of alleged "Al-Shabaab" fighters; possible extrajudicial executions; and the transport and discarding of a large number of corpses into apparent mass graves.⁸ In one of the videos, four different gunmen shot a defenceless naked woman 36 times.⁹ Residents told Amnesty International that they are subjected to constant harassment and extortion by police and FADM soldiers. Witnesses said that sometimes the beatings seemed random, and the victims reported being unable to understand why security forces were taking that action. Other times, during the beatings police officers and soldiers accused the civilians of protecting "Al-Shabaab"; in particular, if a woman was alone in her house, she is accused of lying to protect her absent husband.¹⁰

On 7 April 2020, government forces forcibly disappeared **Ibraimo Abú Mbaruco**, a community radio journalist and newscaster in Palma District, around 6pm as he returned home from work.¹¹ He was last heard from when in distress, he texted his colleague saying; "the soldiers have surrounded me; they are harassing me". The authorities did not respond to his family's request for information on his whereabouts which remained unknown at the submission of this report.

On the evening of 11 March 2020, the security forces reportedly arrested **Roberto Mussa Ambasse** and **Muemedede Suleimane Jumbe**, two local activists and community leaders, from their home in Palma district and they were later found dead.¹² Despite numerous calls for investigations by national, regional and international human rights organizations, including Amnesty International, the government has not conducted any investigations to bring those suspected of criminal responsibility to justice in fair trials.

On 5 January 2019, **Amade Abubacar**, a community radio journalist, was arbitrarily arrested by police officers in Macomia district while interviewing internally displaced people (IDPs) who fled their homes due to the intensification of violent attacks in northern Cabo Delgado. On the same day, he was transferred from police custody to military detention in Mueda district, where he was held incommunicado for 12 days and allegedly subjected to torture and other ill-treatment. Amade Abubacar was held in pretrial detention for more than 90 days before being formally charged. During his pre-trial detention at the Mizeze prison in Pemba, prison authorities denied him family visits. On 18 February 2019, security forces arrested and detained incommunicado Abubacar's colleague **Germano Adriano** in Mizeze jail, 20km from Pemba town. On 23 April 2019, both Abubacar and Adriano were granted provisional release pending charges of crimes of "inciting public disobedience" through "electronic means", and "injury against public officials."¹³

In December 2018, **Estacio Valoi**, an investigative journalist, and **David Matsinhe**, a researcher at Amnesty International, were arrested by the military and held incommunicado for two days in Mocímboa da Praia district, accused of spying and aiding and abetting the armed opposition group "Al-Shabaab". They were released without charges, but their equipment remains confiscated by the military for "further investigation."

On 1 August 2018, **Andre Hanekom**, a South African businessman resident in Mozambique, was shot in the arm and stomach and abducted by four masked and AK'47-armed men in Palma district, Cabo Delgado province. On 3 August, Hanekom was admitted to the local hospital in Mueda district, where he was held by security forces and denied private visits from family. On

⁸ Amnesty International, Mozambique: Torture by security forces in gruesome videos must be investigated, 9 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/mozambique-torture-by-security-forces-in-gruesome-videos-must-be-investigated/>

⁹ Amnesty International, Mozambique: Video showing killing of naked woman further proof of human rights violations by state armed forces, 15 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/mozambique-video-showing-killing-of-naked-woman-further-proof-of-human-rights-violations-by-state-armed-forces/>

¹⁰ Amnesty International, Mozambique: "What I saw is death": War crimes in Mozambique's forgotten Cape, <https://www.amnesty.org/en/documents/afr41/3545/2021/en/>

¹¹ Amnesty International, Journalist forcibly disappeared: Ibraimo Abú Mbaruco, 15 April 2020, <https://www.amnesty.org/en/documents/afr41/2138/2020/en/>

¹² Amnesty International, Mozambique: End smear campaign against Bishop Lisboa, 26 August 2020, <https://www.amnesty.org/en/documents/afr41/2914/2020/en/>

¹³ Amnesty International, Mozambique: Turn the page! A human rights manifesto for Mozambican political parties and candidates, October 2019 election, <https://www.amnesty.org/download/Documents/AFR4110192019ENGLISH.PDF>.

11 September, he was transferred to the third police station in Pemba city for investigation into his alleged involvement with the violent attacks. On 9 October, a judge at the Palma district Court ruled that his detention was illegal and ordered his provisional release on bail. However, the next day, Hanekom was moved from the Mueda's district police station and handed over to the military forces and held in incommunicado detention for three months. During this military detention, Hanekom was allegedly subjected to torture and other ill-treatment to confess to his alleged involvement in the violent attacks. On 14 January 2019, he was transferred back to police custody and, on 18 January, he was admitted to intensive care unit at the Provincial Hospital in Pemba due to shortness of breath. On 23 January 2019, at 4:30am, Hanekom was pronounced dead. The Mozambican authorities has to date not conducted any investigations into the torture allegations and circumstances surrounding his death.

RECOMMENDATIONS

Amnesty International recommends that Mozambique:

- Comply with the prohibition of torture and cruel, inhuman or degrading treatment.
- Provide humanitarian assistance, including food, housing, education and health services to the growing number of internally displaced people.
- Conduct swift, impartial, thorough and transparent investigations into all credible claims of violations and abuses of human rights and international humanitarian law and bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts.
- Conduct investigations into all credible allegations of civilian casualties resulting from attacks by DAG,
- Exercise effective oversight of all DAG activities and ensure that all contracts with PMCs include provisions for strict compliance with international humanitarian law.
- Allow human rights monitors access to Cabo Delgado and facilitate increased humanitarian access to Cabo Delgado.

1.3 CRACKDOWN ON FUNDAMENTAL FREEDOMS (ARTS. 17, 19, 21 & 22)

For more than five years, contrary to constitutional, regional and international human rights guarantees, the authorities have continued to crackdown on the rights to freedom of expression, peaceful assembly and association. Amnesty International has documented several cases in which journalists, human rights defenders, researchers and opinion makers have been subjected to intimidation, harassment, abductions, beatings, arbitrary arrests and detention and even extrajudicial killings.

On 23 August 2020, an unidentified group firebombed the offices of the independent weekly newspaper *Canal de Moçambique* in Maputo.¹⁴ The group broke into the offices, poured fuel on the floor, furniture and equipment, and threw a Molotov cocktail, reducing the office equipment and furniture to ashes.¹⁵ The attack occurred four days after *Canal* had alleged, on 19 August, an unethical procurement process involving senior officials at the Ministry of Mining Resources and Energy, and the governing party elites. Following this allegation, pro-government individuals launched a campaign on social media calling for *Canal's* elimination.

On 18 June 2020, the public prosecutor charged *Canal's* executive director, **Matias Guente**, and editorial director, **Fernando Veloso**, with "violation of state secrecy" and "conspiracy against the state", after an 11 March 2020 *Canal* article about an alleged illegal secret contract between the Ministry of Defence, the Ministry of the Interior and natural gas companies in Cabo Delgado.¹⁶

On 14 August 2020, President Filipe Nyusi publicly disapproved of those "who, including foreigners, camouflaged in the name of human rights, don't respect the sacrifice of those who keep this young homeland standing, and guarantee their stay in

¹⁴Amnesty International, *Mozambique: Media freedom in ashes*, 31 August 2020, <https://www.amnesty.org/en/documents/afr41/2947/2020/en/>

¹⁵Amnesty International, *Mozambique: Unprecedented arson attack on Canal media must be promptly investigated*, 31 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/mozambique-unprecedented-arson-attack-on-canal-media/>

¹⁶Amnesty International, *Mozambique: Media freedom in ashes*, 31 August 2020, <https://www.amnesty.org/en/documents/afr41/2947/2020/en/>

Cabo Delgado and Mozambique in general.¹⁷ This statement triggered a smear campaign against **D. Luiz Fernando Lisboa**, the then Catholic Bishop of Pemba, with many users accusing Bishop Lisboa, a Brazilian national, of associating with terrorists and insurgents.¹⁸ On 16 August, Egidio Vaz, a well-known government supporter referred to the Bishop as “a criminal [who] should be expelled from Mozambique.”¹⁹ Bishop Lisboa has been among the few voices speaking up about the deplorable human rights conditions in Cabo Delgado. On 11 February 2021, Pope Francis announced the appointment of Bishop Lisboa to lead a diocese in Brazil. In the context of increasing repression of freedom of expression and press freedom in Mozambique, Bishop Lisboa's transference to Brazil might represent an additional measure by the Vatican to ensure his safety.

On 7 October 2019, four members of the special operation group (GOE) of the rapid intervention police force (FIR) and one civilian publicly executed **Anastácio Matavele**, an election observer in the city of Xai-Xai, Gaza province, 200km north Maputo. A prominent member of civil society, Matavele was gunned down after he had officially opened capacity building program for election monitors for Gaza province. After the killing, the assassins fled the murder scene. However, as they sped off, their vehicle crushed killing two of the assassins. The crushed vehicle, as it turned out, was belonged to Henrique Machava, the mayor of the town of Chibuto and a senior leader of the ruling party, FRELIMO, in Gaza province. While the remaining assassins were detained, tried, convicted and sentenced to 23 to 24 years in prison, those who ordered Matavele's killing remain free.

On 4 February 2019, the PRM used excessive force against fourteen wheelchair users who were participating in a wheelchair race as part of the *Manuel de Araújo Tournament* organized by local civil society in Quelimane district, Zambézia province. The following day, the PRM, again, used excessive force against 100 demonstrators who were peacefully protesting the decision of the Administrative Court on Manuel de Araújo's loss of mandate for running for a second term as mayor of Quelimane City as Renamo candidate before the end of the first term as member of the Democratic Movement of Mozambique (MDM). The PRM arrested **15 protesters** and one journalist, **Nhama Matabicho**, who was covering the protest. The PRM confiscated his equipment and beat him severely with a rubber truncheon, prompting hospitalization. The 15 arrested protesters were released the next day without any charges.²⁰

On 18 January 2019, **Fátima Mimbire**, human rights defender and researcher at Centre for Public Integrity (CIP) at the time, received intimidating messages and death threats on social media. Further, known governing party militants advocated for violence against her on social media, and to this effect, on 3 May 2019, Alice Tomás, a member of parliament, agitated on Facebook for Fatima “to be raped by 10 strong and energetic men to teach her a lesson.” The attacks began on the same day CIP launched a campaign denouncing a move by the Mozambican government seeking to repay over US\$2 billion in loans many people said were secretly and illegally acquired to set up three state-owned companies. CIP was distributing T-shirts to the public with the message “I won't pay for hidden debts”. From 21 to 24 January, the PRM surrounded CIP's office in Maputo and ordered people to remove the T-shirts which they then confiscated. They also ordered CIP to stop distributing the T-shirts.²¹

In the aftermath of the 2018 municipal elections, Amnesty International documented cases of human rights violations. Members of civil society, religious bodies and the media faced harassment, intimidation and death threats after they had monitored, documented and reported the prevailing conditions in polling stations, including reporting the election results live on the radio and social media. The menacing messages warned: “be careful”; “your days are numbered”; “you'll disappear without a trace”. The attackers blamed them for contributing to the defeat of the ruling party, the Mozambique Liberation Front (FRELIMO), by organising individuals to monitor polling stations and publish live election results direct from polling stations.²²

¹⁷ Centro para Democracia e Desenvolvimento, CDD condena ataques verbais contra o Bispo de Pemba e manifesta a sua solidariedade, 18 August 2020, <https://cddmoz.org/cdd-condena-ataques-verbais-contra-o-bispo-de-pemba-e-manifesta-a-sua-solidariedade/>.

¹⁸ Amnesty International, Mozambique: End smear campaign against Bishop Lisboa, 26 August 2020, <https://www.amnesty.org/en/documents/afr41/2914/2020/en/>

¹⁹ Amnesty International, Mozambique: End smear campaign against Bishop Lisboa, 26 August 2020, <https://www.amnesty.org/en/documents/afr41/2914/2020/en/>

²⁰ VOA Português, *Quelimane: Polícia trava marcha em apoio a Manuel de Araújo e agride jornalista*, 5 February 2019. Available at: <https://www.voaportugues.com/a/quelimane-pol%C3%ADcia-trava-marcha-em-apoio-a-manuel-de-ara%C3%BAjo-e-agride-jornalista/4773927.html>.

²¹ Amnesty International, Mozambique: Turn the page! A human rights manifesto for Mozambican political parties and candidates, October 2019 election, <https://www.amnesty.org/download/Documents/AFR4110192019ENGLISH.PDF>.

²² Amnesty International (19 October 2018) Mozambique: Journalists and Activists Threatened – AFR 41/9263/2018. Available at: <https://www.amnesty.org/en/documents/afr41/9263/2018/en/>. Amnesty International (17 October 2018) Mozambique: Journalists and activists face death threats and intimidation in post-election witch-hunt. Available at: <https://www.amnesty.org/en/latest/news/2018/10/mozambique-journalists-and-activists-face-death-threats-and-intimidation-in-post-election-witch-hunt/>.

On 27 March 2018, **Ericino de Salema**, a lawyer and journalist, was abducted by unknown gunmen who severely beat him breaking his arms and legs, after expressing a critical view about the government on television. On 23 May 2016, **Jaime Macuane**, a professor of political science and public administration at Eduardo Mondlane University, was abducted and taken to an isolated area outside of Maputo where he was severely beaten and his arms and legs broken, after criticizing the government on television. On 2 March 2015, **Gilles Cistac**, lawyer and professor of constitutional law at Eduardo Mondlane University, was gunned down in broad daylight in Maputo, after he had publicly aired his views on the Constitution of the Republic of Mozambique.²³ All of those three cases remain unresolved to date and the perpetrators of those crimes continue at large.

RECOMMENDATIONS

Amnesty International recommends that Mozambique:

- Undertake prompt, thorough, impartial, independent and transparent investigations into all cases of attacks, harassment, intimidation, and forced disappearance of journalists, academics, researchers, religious clerics and human rights defenders and bring all those suspected of responsibility to justice in fair trials.
- End the current climate of intimidation, harassment, and arbitrary arrests and detentions, forced disappearances of journalists, human rights defenders, activists and all those simply exercising their human rights and expressing their views on issues of public concern.
- Fully and effectively respect and protect human rights including the rights to freedom of expression, access to information, and media freedom.
- Carry out prompt, impartial, thorough and effective investigations into all allegations of extrajudicial executions or unlawful killings by the security forces and ensure that the suspected perpetrators are brought to justice in fair trials before ordinary civilian courts.

Ensure access to justice and effective remedies, including fair and adequate compensation in cases of extrajudicial executions or unlawful killings by the police, for the relatives of the victims.

1.4 RIGHTS OF REFUGEES AND ASYLUM SEEKERS (ARTS. 2, 7, 9, 10, 14 & 17)

Despite the Government of Mozambique's international commitment to respect and protect the rights of refugees and asylum seekers, Amnesty International has received worrying reports of arbitrary arrests and attempt to deport refugees by the security forces.

On the evening of 17 January 2019, the Police of the Republic of Mozambique (PRM) and immigration officers arrested 15 refugees and asylum seekers (14 men and one woman) from the Democratic Republic of Congo (DRC) and one male refugee from Ethiopia in Maratane Camp in Nampula province. According to their testimonies, they were beaten, hand-cuffed and arrested without a warrant. On 19 January 2019, the PRM transferred them to the Third Police Station in Pemba, Cabo Delgado.²⁴

On 23 January 2019, the Government of Mozambique deported seven men from the group, who were from the DRC. They were not notified of a deportation order, nor were they permitted to challenge the legality of their deportation. When they arrived in Kinshasa, DRC, the immigration officials denied them entry as they did not have any travel documents and were sent back to Mozambique.²⁵ The seven men were returned to Pemba. On 12 March, lawyers filed an application for the 16 refugees and asylum seekers' provisional release, but the Pemba Provincial Court has yet to rule on the request. This is a violation of the guarantees of the due process of law, particularly of the right to be promptly informed of any charges against

²³ Ibid.

²⁴ Amnesty International, *Mozambique: Refugees and asylum seekers held arbitrarily*, 13 June 2019, <https://www.amnesty.org/en/documents/afr41/0465/2019/en/>

²⁵ Amnesty International, *Mozambique: Refugees and asylum seekers held arbitrarily*, 13 June 2019, <https://www.amnesty.org/en/documents/afr41/0465/2019/en/>

them as provided in articles 9(2) and 14 of the ICCPR, articles 9 and 10 of the UDHR, article 7 of the African Charter and principle 16 (2) of the Body of Principles for the Protection of All persons under Any Form of Detention or Imprisonment.

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.²⁶ They have they also never been brought before a court to legalize their detention.²⁷ 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.

Mozambique has violated the rights to fair trial, including the right to not be subjected to arbitrary arrest or detention, the right to be informed of the reasons for their arrest and of any charges against them and the right to be presumed innocent enshrined in the ICCPR articles, 9, 14 and 17 and article 9 of the UDHR. Mozambique also violated their right to be brought promptly before a judge and to be tried within a reasonable time or to be released, enshrined in article 9(3) of the ICCPR, article 10 of the UDHR and article 6 of the African Charter.

During these two years, the 16 detainees have been held in inhumane conditions.²⁸ 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. Their ill-treatment during arrest and the conditions of their detention violate articles 7 and 10 of the ICCPR and article 5 of the UDHR.

RECOMMENDATIONS

Amnesty International recommends that Mozambique:

- Protect all migrants, asylum seekers and refugees from violence without discrimination based on their migration status and bring those suspected to be responsible for such violence to justice in fair trials.
- Stop the practice of arbitrary arrests and forcible return of refugees and without due process and respect the principle of non-refoulement.
- Ensure the unconditional 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.

²⁶ Human Rights Council, Working Group on Arbitrary Detention, Opinion adopted by the Working Group on Arbitrary Detention at its eight-seventh session, 27 April 2020 – 1 May 2020, 22 May 2020,

https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_9_Advance_Edited_Version.pdf

²⁷ Amnesty International, *Mozambique: Two years of arbitrary detention of 16 people*, 14 January 2021,

<https://www.amnesty.org/download/Documents/AFR4135112021ENGLISH.pdf>

²⁸ Amnesty International, *Mozambique: Further Information: Refugees and asylum seekers must be released*, 25 June 2020,

<https://www.amnesty.org/en/documents/afr41/2603/2020/en/>

1.5 ANNEX 1: ADDITIONAL AMNESTY INTERNATIONAL DOCUMENTATION

Mozambique: "What I saw is death: War crimes in Mozambique's Forgotten Cape", 2 March 2021, Index number AFR 41/3545/2021, <https://www.amnesty.org/en/documents/afr41/3545/2021/en/>

Southern Africa: Treated like furniture, 9 February 2021, Index number AFR 03/3418/2021, <https://www.amnesty.org/en/documents/afr03/3418/2021/en/>

Mozambique: Media freedom in ashes, 31 August 2021, Index number AFR 41/2947/2020, <https://www.amnesty.org/en/documents/afr41/2947/2020/en/>

Mozambique: Turn the page! A human rights manifesto for Mozambican political parties and candidates, October 2019 election, 17 September 2021, Index number AFR 41/1019/2019, <https://www.amnesty.org/en/documents/afr41/1019/2019/en/>