

## **Human rights and the police**

In 1999 it appeared that the incidence of torture at the hands of the police in Mozambique was declining. However, new cases have been reported in 2000. These three cases are an example.

Complaints about alleged police misconduct may be made to the relevant police station or to the Procurator General's office. In the past, inquiries into human rights violations by police have been marred by police attempts to cover up their misconduct and judicial inquiries have been slow. This has inculcated a sense of impunity.

Following Mozambique's first multi-party elections in October 1994, it was decided to restructure and retrain the police. In 1997 a project was agreed. Under the coordination of the government and the United Nations Development Program, members of the Spanish Civil Guard trained 66 police instructors who, between 1997 and the end of 1999, retrained about 4,100 officers. Originally, the whole police force — more than 18,500 officers — were to be retrained, but the project was scaled down to about 4,500 officers because of lack of funding.

By 1999, police patrols were more frequently seen in the streets of Maputo, and police salaries were increased. Other reforms included the appointment of magistrates attached to the Procurator General's office to review and confirm detentions within 48 hours of arrest.

Despite economic growth in recent years, Mozambique has remained one of the poorest countries in the world. The floods which occurred in early 2000 have severely damaged the infrastructure and economy.

However, further efforts need to be made to put an end to corruption within the police and to ensure that officers are trained in the observance of human rights standards. These three cases shows that action is urgently needed to root out the practice of torture.

Amnesty International

May 2000

Public

AI Index: AFR 41/01/00

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**MOZAMBIQUE**

**Torture**

## **Marcelino Afonso Mutolo, Luciano João Homo and Alexandre Jorge Hua**

Marcelino Mutolo, a 34 year-old businessman, his brother-in-law, Luciano Homo, and Alexandre Jorge Hua, were reportedly tortured in Inhambane province in January 2000. Marcelino Mutolo said that police handcuffed him to a pillar in a mosquito-infested cell and made him stand there for hours. Later, they took him into the bush, beat him severely then shot at him pretending that they were going to kill him. Luciano Homo and Alexandre were also tortured. Marcelino Mutolo reported his ordeal and that of his companions to the *Liga Moçambicana dos Direitos Humanos* (Mozambique Human Rights League) and separately to Amnesty International.

On 21 January, Marcelino Mutolo was woken up at about 03.00 am. A group of *Polícia da Intervenção Rápida* (PIR), Rapid Intervention Police, armed with AKM-type weapons, were waiting outside the house. He, together with Luciano Homo, who had been arrested earlier, were taken to Inhambane where they were questioned about a vehicle robbery.

The brothers-in-law were put in separate cells at the premises of the 4<sup>th</sup> Brigade of the PIR. Marcelino Mutolo was ordered to put his arms round a pillar in the cell and his wrists were handcuffed. He remained in a standing position from 9 pm to 6am on 22 January. When he was released he was dizzy and covered with mosquito bites.

Later that day the two detainees were taken into the bush. Marcelino Mutolo was dragged from the vehicle “like a goat about to be slaughtered”. He was made to lie face-down and six police beat him with a whip. When he cried out, one of them pressed the victim’s face into the soil with his foot. Altogether he received some 25 lashes. During pauses in the beating the police questioned him about the alleged car robbery. He was told that if he did not confess his body would be “broken up to fit into a coffin.” The officer leading the torture session told Marcelino Mutolo that he would fire shots and the last would be his death. While the victim was still face-down on the ground the officer fired two shots above his head and four to either side. To stop the torture, Marcelino Mutolo agreed to confess to robbing the vehicle.

Marcelino Mutolo owns two minibus collective taxis which operated from Maxixe, in Inhambane province, to the capital, Maputo. He and Luciano Homo had given some money to a man called Afonso (full name withheld), who lived in Inhambane, and asked him to purchase another vehicle during a visit to South Africa. On 2 January, Marcelino Mutolo and Luciano Homo, who lived in Maputo, went to Inhambane city to ask for their money back since Afonso had not purchased the vehicle. Afonso agreed to repay the money.

Luciano Homo was also beaten and had shots fired at him. He suffers from elephantiasis which causes severe swelling of the legs. Nevertheless he was beaten on the legs which left him unable to walk. After the torture, the two men were taken back to their cells and again Marcelino Mutolo was handcuffed to the pillar for the night.

On 26 January, Marcelino Mutolo was taken to Maputo and forced to withdraw a large sum of money from his bank account to pay to the police. At the same time, Luciano Homo was taken home as he was very ill. The police and Marcelino Mutolo returned to Inhambane with a third man, Alexandre Jorge Hua, who was arrested at about that time, who was also reportedly tortured and made to confess to carrying out the vehicle robbery.

Marcelino Mutolo and Alexandre were released on 2 February after Marcelino Mutolo agreed to obtain and bring back another large sum of money. Instead, he filed a complaint with the General Command of the Police in Maputo on 11 February. The General Command reportedly asked the Provincial Command to investigate the case.

To date, May 2000, despite a further request for an investigation sent on 31 March, the matter remains unresolved.

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*Mozambique acceded to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment and punishment on 19 September 1999.*

#### **WHAT YOU CAN DO**

**Please send letters to the government authorities listed below:**

- *expressing concern about the torture inflicted on Marcelino Mutolo, Luciano Homo and Alexandre Jorge Hua and calling for an independent and impartial investigation into their torture with a view to bringing those suspected of responsibility to justice;*

- Minister of Interior: Sua Excelência Almerino Manhene, Ministro do Interior, Ministério do Interior, Avenida Olof Palme Nº 46/48, Maputo, República de Moçambique. Fax Nº +258 142 20 84/43 10 48

- and a copy to the Mozambican diplomatic representative in your country.

- *calling for an investigation into all cases of torture and for those suspected of committing acts of torture to be brought to justice;*
- *calling on the authorities to strengthen the system of internal inspection of police behaviour;*
- *urging the authorities to set up an independent and impartial police complaints authority.*

#### **Send letters to:**

- The Procurator General: Exmo. Sr. Dr. António Namburete, Procurador Geral da República, Procuradoria Geral da República, Avenida Julius Nyerere, 33, Maputo, República de Moçambique. Fax Nº +258 1 49 10 11