

AMNESTY INTERNATIONAL

LOCKING UP MY RIGHTS - CASE SHEET

AI index: AFR 41/006/2012
22 November 2012

José Capitrine Cossa (also known as Zeca Capetinho Cossa)

Imprisoned for 12 years without being convicted of, nor seemingly ever charged with, a crime

On 16 February 2012, delegates met José Capitrine Cossa in the Machava Maximum Security Prison (BO).

He had been in the prison ever since he was arrested while selling sculptures on the side of the road in Maputo city. He had not been convicted of any crime, nor had any kind of court hearing. In fact, it did not appear that he had even been charged with any offence.

José Capitrine Cossa said that despite never having been convicted, he had been detained in the Maximum Security Prison for over 12 years. He did not remember the exact date of his arrest and detention, but other detainees who had been held since 2001 and 2003 told the delegation that he was there when they arrived and that he had not left since.

He had no lawyer and had not been informed of the reason for his continued detention without trial or when he would be brought to court to defend himself.

José Capitrine Cossa remained in detention until his release on 4 September 2012 following separate, written interventions from the Human Rights League and Amnesty International on 9 March and 9 August 2012 respectively.

In a response to a memorandum sent by Amnesty International, the Attorney General stated that José Capitrine Cossa's release had been ordered as, "there were signs that his detention had been irregular." He stated that an investigation was being carried out into the situation but it does not appear that José Capitrine Cossa received any compensation for the 12 years of imprisonment without charge or trial.

Ana Silvia (name changed to protect her identity)

Accused and convicted of murdering her mother at the age of just 15 years. There were obvious signs that a murder had taken place, much less that Ana Silvia was involved; no autopsy was carried out. Police threatened to beat her to extract a 'confession'.

On 11 November 2010, following the funeral of her mother, police went to the house of 15-year-old Ana Silvia and told her to report on 16 November to the 2nd Police Station in Moamba district, Maputo Province.

Accompanied by her father on the day, she was questioned by police officers in the presence of the Chefe de Quarteirão (a person with responsibility over a block of houses). She was accused of having murdered her mother who was found dead at home on 9 November 2010 even though there were no obvious signs of a suspicious death, no sign of Ana Silvia's involvement, and no autopsy having been carried out.

Apparently the accusation against Ana Silvia was based on information provided by the Chefe de Quarteirão who stated that Ana Silvia had argued with her mother some days prior to her death.

According to Ana Silvia, her mother had left home early on the morning of 9 November 2010 and had returned during the night, after Ana Silvia had gone to bed. The next day Ana Silvia found her mother's body.

She said that after the police accused her of killing her mother, they asked her father whether they should beat her to make her tell the truth, but her father refused to allow them to do so.

She was detained at the police station that night and said she was then transferred to the district prison in Moamba around 19:00 hours the following day, where she was held for over three months.

On 27 February 2011 she was transferred to the Maputo Civil Prison where she stayed for almost five months before being transferred to the Ndlhavela Women's Prison on 18 July 2011. When the delegation visited Ana Silvia on 17 February 2012, 15 months after her arrest, she was being held in a cell with adult women and had still not been tried.

Amnesty International was informed that on 9 July 2012, after almost 20 months in pre-trial detention and despite the lack of any obvious signs of a suspicious death or an autopsy, she was convicted of murder and sentenced to one year in prison.

Having already served over a year and a half, she was immediately released.

The Attorney General, however, in his response to Amnesty International did not respond to allegations that no autopsy was carried out on her mother's body, but stated that Ana Silvia was found guilty of strangling her mother to death and sentenced to two years. He stated that as she had already spent over half of her sentence in detention, she was granted conditional release.

Hélder Xavier (name changed to protect his identity)

Arrested and charged with theft aged 16 years but doesn't know what he's supposed to have stolen. Received no further information about his case and hasn't yet appeared in court. Delegates noticed major inconsistencies on his police record.

Hélder Xavier, detained in the Maputo Civil Prison, said he did not know his exact date of birth, but was 16 years of age. He had been arrested on 7 August 2011 in Maputo following the capture of another individual by a group of people on suspicion of theft.

He said he saw the commotion and went to see what was happening. Someone accused him of being an accomplice and he was arrested by the police. He and the other individual were both taken to the 4th Police Station and he was formally charged while he was in the cell. However, he said the police did not give him an opportunity to defend himself or respond to the accusation. He said he was accused of theft but did not know what he had stolen.

On 12 August 2011 he was transferred to the Maputo Civil Prison and believes the other person was released on the same day. He spoke to the Juíz de Instrução at the prison who told him to wait for his trial. He had had no further information regarding his case and was not taken to the Juvenile Court.

Members of the delegation were able to see two official documents related to his case which showed clear inconsistencies: one stated that he was 14 years of age, while another said 18 years of age even though the documents were produced no more than six months apart.

Amnesty International raised this case in the memorandum to the Attorney General, but did not receive any information in the Attorney General's response.