TURN THE PAGE!

A HUMAN RIGHTS MANIFESTO FOR MOZAMBICAN POLITICAL PARTIES AND CANDIDATES, OCTOBER 2019 ELECTION

AMNESTY INTERNATIONAL

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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BACKGROUND

On 15 October 2019, Mozambique will hold its 6th general election since the end of the civil war in 1992. In October 1994, two years following the signing of the peace agreement, Mozambicans cast their ballots for the first time in multi-party presidential and parliamentary elections. This was part of the new political reforms that had begun before the peace accord – later accelerated by peace negotiations – which changed the civil and political relationship in which the citizens stood with their government.

As Mozambique heads to its 6th general election, 29 years after the government committed itself to upholding human rights, the country is facing a gloomy period with respect to the authorities' obligations to respect, protect, promote and fulfil human rights. The 1990 Constitution recognises various human rights instruments: "The constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and with the African Charter on Human and Peoples' Rights."[1] It also abolished the death penalty – "There shall be no death penalty in the Republic of Mozambique."[2]

Despite the lofty statements to put human rights at the centre, there are worrying signs of a roll back on human rights in Mozambique. This Human Rights Manifesto makes recommendations to political parties and candidates and calls on them to make a public commitment to uphold all the rights enshrined in the *Constitution of the Republic Mozambique, and regional and international human rights treaties to which Mozambique is a state party.*

It is time to turn the page!

[1] Article 43 of the Constitution of the Republic of Mozambique (1990)
[2] Article 40(2)

1. STOP INTIMIDATION OF CIVIL SOCIETY, RELIGIOUS BODIES AND THE MEDIA

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.[3]

Antônio Lourenço Mutoua a human rights defender and Executive Director of the organization Solidariedade Moçambique; Júlio Paulino, the Image and Communications Officer of Solidariedade Moçambique; Arlindo César Severiano Chissale, an independent journalist; Aunício da Silva, the IKWELI weekly paper editor; two other journalists[4]; priests Father Benvindo Tapua and Father Cantífulas de Castro, Director and Deputy Director of Radio Encontro respectively, received anonymous death threats, intimidating phone calls and other messages for their work around the municipal elections. The threats began after the municipal elections in Nampula Province on 10 October and the publication of election results on 12 October.[5]

[3] 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/.

[4] We are withholding their names for security reasons.

[5] 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/.

Antônio Lourenço Mutoua, Executive Director of Solidariedade Moçambique, received death threats after municipal elections of 2018.

In Tete province, two journalists were threatened for publishing or sharing election related information on social media. The editor of the weekly paper *Malacha* received death threats after publishing election results on his paper's Facebook page.[6] Between 21 and 24 October 2018, Funga Caetano of Zitmanews reportedly received a phone call from the incumbent mayor of Moatize town threatening him with physical violence, after the journalist had shared an article from the weekly *Canal de Mocambique* on his Facebook page.[7]

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Respect the human rights of everyone across political affiliations;
- Launch prompt, thorough transparent and effective investigations into cases of harassment, intimidations and threats against human rights defenders, activists and others and hold to account those suspected to be responsible for such violations; and
- Thoroughly, transparently and effectively investigate the allegations of threats against journalists, priests and civil society representatives in the aftermath of the last municipal elections and hold those suspected to be responsible to account.

[6] Diario de Notícias (30 October 2018) Moçambique/Autárquicas: Comissão Nacional dos Direitos Humanos repudia ameaças a jornalistas. Available at: https://www.dn.pt/lusa/interior/mocambiqueautarquicas-comissao-nacional-dos-direitos-humanos-repudia-ameacas-a-jornalistas-10109740.html.

[7] Amos Zacarias (25 October) Moçambique: continuam as ameaças a jornalistas no pós-autárquicas, *Deutsche Welle*. Available at: https://www.dw.com/pt-002/mo%C3%A7ambique-continuam-as-amea%C3%A7as-a-jornalistas-no-p%C3%B3s-aut%C3%A1rquicas/a-46029002.

2. END ARBITRARY ARRESTS AND DETENTIONS

Despite legal safeguards,[8] security forces frequently arbitrarily arrest and detain individuals. Amnesty International has documented several cases where the Police of the Republic of Mozambique (PRM) and the National Military Forces have arrested individuals without an arrest warrant in situations where an arrest warrant is legally required and without informing those arrested of their rights.

Amade Abubacar, a community radio journalist, was arbitrarily arrested on 5 January 2019 by police officers in Macomia district while interviewing internally displaced civilians who fled their homes due to the intensification of violent attacks in northern Cabo Delgado.[9] 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 different torture and other ill-treatment.[10] Amade Abubacar was held in pre-trial detention for more than 90 days before being formally charged. During his pre-trial detention at the Mieze prison in Pemba city, the prison authorities denied him family visits.

[8] The right to security of person and not to be arbitrarily arrested is enshrined in Mozambique law. Article 59 of the Constitution states that no one can be deprived of their liberty except in accordance with the law and Article 61 prohibits the unlimited or indefinite deprivation of liberty as a penalty or security measure. Article 286 of the Mozambique Criminal Procedure Code defines an arrested person as "one on whom there is a strong suspicion of having committed a crime, the existence of which is sufficiently proven." This indicates that a person cannot be arrested unless there is a strong suspicion that they have committed a crime and there is sufficient proof that that crime took place.

[9] Amnesty International, *Mozambique: Journalist Arbitrarily detained incommunicado: Amade Abubacar,* 11 January 2019. Available at: https://www.amnesty.org/en/documents/afr41/9674/2019/en/

[10] Amnesty International, *Mozambique: Further Information: Detained journalist denied family visits: Amade Abubacar,* 5 February 2019. Available at: https://www.amnesty.org/en/documents/afr41/9792/2019/en/

Amade Abubacar, a community radio journalist arbitrarily arrested in Cabo Delgado on 5 January 2019 and detained for three months.

On 18 February 2019, security forces arrested and detained incommunicado Germano Adriano, Amade Abubacar's colleague in– Mieze Jail – 20km from Pemba town. On 23 April, both Amade and Germano were granted provisional release[11] and are currently facing charges of crimes of "inciting public disobedience" through "electronic means" and "injury against public officials."

On 17 December 2018, Estacio Valoi, investigative journalist and David Matsinhe, an Amnesty International researcher and their driver were arbitrarily arrested by military forces while conducting research on communities attacked by an extremist group popularly known as "Al-Shabab". The military forces arrested them at a road block in Mocímboa da Praia district and detained them incommunicado in secret detention centre. They were released on 19 December without charges, however their equipment, such as telephones, computers, photographic cameras, and the respective accessories remain with the army.[12]

[11] Amnesty International, *Mozambique: Further Information: Journalist granted provisional release: Amade Abubacar,* 30 April 2019. Available at: https://www.amnesty.org/en/documents/afr41/0278/2019/en/.
[12] Committee to Protect Journalists, *Mozambican journalist arrested, held in military prison,* 9 January 2019. Available at: https://cpj.org/2019/01/mozambican-journalist-arrested-held-in-military-pr.php.

Estacio Valoi, journalist arbitrarily arrested by the military on 17 December 2018 in Cabo Delgado.

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 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.

On 30 June 2018, a Zimbabwean journalist, Pindai Dube, working for eNCA, an independent television news station based in Johannesburg, South Africa, was arrested by police in Pemba while conducting research in Cabo Delgado province. He was accused of spying and released three days later without charge.[13]

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

[13] Amnesty International, *Southern Africa: Media freedom muzzled as journalists are targeted for telling the truth,* 3 May 2019. Available at: https://www.amnesty.org/en/latest/news/2019/05/southern-africa-media-freedom-muzzled-as-journalists-are-targeted-for-telling-the-truth/.

RECOMMENDATIONS

- End arbitrary arrests and detention of human rights defenders, activists, journalists and other people and fully respect the human rights of everyone;
- Immediately and unconditionally release those detained solely for the peaceful exercise of their human rights, and have not advocated violence;
- Carry out prompt, thorough, impartial, independent and effective investigations into cases of arbitrary arrest and detention ad ensure that any agents of the police, army and security forces suspected to be responsible for human rights violations and abuses face criminal proceedings in trials that meet international standards of fair trial; and
- Ensure full reparations, including fair and adequate compensation, for victims of arbitrary arrest and detention.

3. END EXCESSIVE USE OF FORCE, EXTRAJUDICIAL KILLINGS, TORTURE AND OTHER ILL-TREATMENT

Amnesty International has documented several cases of serious human rights violations in which the government has failed to carry out prompt, thorough, impartial, and effective investigations and to bring suspected perpetrators to justice. Violations have included extrajudicial executions, enforced disappearance, torture and other ill-treatment and other violations and abuses. Amnesty International is very concerned with the continued impunity for such human rights crimes, which creates an environment of public fear and insecurity. Amnesty International has documented numerous cases which remain unresolved, among which the organization highlights the following:

On 27 March 2018, unknown gunmen abducted Ericino de Salema, outside the offices of the Mozambican Union of Journalists in Maputo. The men then beat and abandoned him by the Maputo Ring Road. Ericino de Salema suffered serious fractures to his arms and legs. Salema is a human rights lawyer and a resident political commentator on the television show, STV's Pontos de Vista, on which he often has taken positions critical of government policies. Ericino de Salema had received threatening phone calls from unidentified individuals prior to the abduction.

Journalist and lawyer Ericino de Salema, abducted and brutally beaten breaking his arms and legs in Maputo on 27 March 2018 by unidentified gunmen.

On 4 October 2017, an unidentified gunman assassinated the then mayor of Nampula City, Mahamudo Amurane, at his home.[14] Since his election as mayor of Nampula in 2013, Mahamudo Amurane embarked on a public quest to challenge allegations of corruption in the city's administration and revitalize public infrastructure.

On 8 October 2016, Jeremias Pondeca, a senior Mozambique National Resistance's (RENAMO) member and part of the mediation team seeking to end the clashes between RENAMO and the government, was shot dead in Maputo by unknown men suspected of being part of a death squad composed of security officers.

On 29 July 2016, Américo Sebastião, a Portuguese citizen and businessman, was abducted at the local fuel station? near the wood cutting area in Nhamapaza, Sofala province. Witnesses said that uniformed agents took him in a van to an unknown location. Sebastião is still missing.

On 16 January 2016, Manuel Bissopo, the then Secretary General of RENAMO, was shot and severely wounded by unknown assailants as he travelled in his car in the center of Beira city, in Sofala province. His bodyguard died. The incident took place hours after a news conference in which Bissopo had accused state security forces of abducting and killing members of his party.

On 2 March 2015, Professor Gilles Cistac, a professor of constitutional law at Eduardo Mondlane University in Maputo, was shot dead by four gunmen in downtown Maputo. Prior to his murder, Gilles Cistac had made statements supporting greater autonomy for the provinces in Mozambique.[15]

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Carry out prompt, impartial, thorough and effective investigations into these and all other allegations of extrajudicial killings, excessive use of force, torture and other ill-treatment by the security forces and ensure that suspected perpetrators are brought to justice in fair trials; and
- Ensure full reparation, including fair and adequate compensation in cases of extrajudicial executions and other unlawful killings by the police, for the relatives of the victims.

[14] Amnesty International, *Mozambique: Killing of anti-corruption mayor must be investigated,* 5 October 2017. Available at: https://www.amnesty.org/en/latest/news/2017/10/mozambique-killing-of-anti-corruption-mayor-must-be-investigated/.
[15] Amnesty International (5 March 2015) *Mozambique: Authorities must promptly investigate the killing of a lawyer.* Available at: https://www.amnesty.org/en/documents/afr41/1137/2015/en/.

4. END SUPRESSION OF FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION

In the past 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. The clampdown on civil society, journalists, human rights defenders and activists or anyone opposing government policies has escalated. The situation is more concerning in the context of increasing repression ahead of the presidential, legislative and provincial elections scheduled to be held in October 2019.

Amnesty International has documented several cases of violations of the right to freedom of expression, peaceful assembly and association:

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.[16]

On 18 January 2019, Fátima Mimbire, human rights defender and researcher at Centre for Public Integrity (CIP), received intimidating messages and death threats on social media.[17] Further, known FRELIMO militants have been advocating violence against her on social media, and to this effect, on 3 May 2019, Alice Tomás, FRELIMO 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

[16] 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.

[17] Amnesty International, *Mozambique: Woman human rights defender facing threats online: Fátima Mimbire,* 29 January 2019. Available at: https://www.amnesty.org/en/documents/afr41/9744/2019/en/

Human rights defender and researcher Fátima Mimbire, received intimidating messages and death threats on social media on 18 January 2019. At the time she worked for CIP an extractives industry researcher. CIP itself was intimidated by police when it launched its campaigns against the infamous secret loans.

ordered people to remove the T-shirts which they then confiscated. They also ordered CIP to stop distributing the T-shirts.

On 23 July 2018, the Council of Ministers issued the decree 40/2018 requiring journalists and media organizations to pay prohibitive accreditation and licensing fees for both local and foreign press wanting to report on the country.[18]

On 2 December 2017, a gunman threatened to kill Aunício da Silva, an investigative journalist and editor of IKWELI, a weekly publication in Nampula City in the north of Mozambique.[19] The gunman accused da Silva who had just come out of his office into the street of publishing articles that tarnished the image of Carlos Saíde, the Mozambique MDM candidate for the Nampula City mayoral by-election which took place on 24 January 2018. Da Silva receives continuous death threats through phone calls and SMS for his investigations on illegal trafficking of natural resources, people and drugs as well as allegations of corruption, elections fraud and land grabbing. In December 2018, he was poisoned through coffee in a restaurant in his Nampula city.

[18] Amnesty International, *Mozambique: Effectively closing the media space with exorbitant media accreditation fees,* 14 August 2018. Available: https://www.amnesty.org/en/latest/news/2018/08/mozambique-effectively-closing-the-media-space-with-exorbitant-accreditation-fees/

[19] Amnesty International, *Mozambique: Journalist held at gunpoint and threatened with death for doing his job*, 4 December 2017. Available at: https://www.amnesty.org/en/latest/news/2017/12/mozambique-journalist-held-at-gunpoint-and-threatened-with-death-for-doing-his-job/.

Aunício da Silva, investigative journalist and editor of IKWELI threatened by gunman on 2 December 2017, food-poisoned at a restaurant in December 2018, in Nampula.

On 17 May 2017, journalist and human rights activist Armando Nenane was severely beaten in the capital, Maputo, by riot police.[20] He was attacked for his views on the so-called G40, a group allegedly created under the government of former President Guebuza to discredit opponents of the government. Prior to the beating, Armando Nenane received anonymous death threats by telephone.

On 23 May 2016, José Jaime Macuane was abducted outside his home in Maputo by unknown men suspected to be part of a death squad composed of security officers. The men then shot him in the legs and dumped him at a roadside in Marracuene district. José Jaime Macuane had publicly addressed issues of political governance, the then ongoing clashes between the Mozambique Liberation Front (FRELIMO) and Mozambique National Resistance (RENAMO), the public debt and violations of the right to freedom of expression.

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Carry out prompt, thorough, impartial and independent investigations into cases of harassment, intimidation, threats and violence against journalists, civil society representatives, human rights defenders and academics and ensure that anyone, regardless of their political affiliation, suspected to be responsible for human rights violations are brought to justice in fair trials;
- Respect, protect, promote and fulfil the right to freedom of expression, notably regarding the well-established international human rights principle that public officials should tolerate more, rather than less criticism than private individuals; and
- Repeal all laws, policies and regulations that limit the exercise of the rights to freedom of expression, peaceful assembly and association in the country.

[20] Amnesty International, *Annual Report 2017/2018*. Available at: https://www.amnesty.org/en/countries/africa/mozambique/report-mozambique/.

5. END VIOLATIONS OF THE RIGHTS OF REFUGEES AND ASYLUM SEEKERS

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 attempts to deport refugees by the security forces.

On 17 January 2019, PRM and immigration officers arrested 11 refugees and five asylum seekers from the Democratic Republic of Congo (DRC). The police and immigration officers arrived at the Maratane Camp in the evening, according to the refugees who spoke with Amnesty International.[21] On arrival, these officers beat, hand-cuffed and arrested the refugees and asylum seekers without a warrant. On the same evening, the PRM transferred them from Nampula to the Third Police Station in Pemba, Cabo Delgado. The refugees and asylum seekers were not informed why they were detained.[22]

Amnesty International also notes with concern that 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. On 26 January 2019, the refugees and asylum seekers arrived in Pemba and were immediately transferred to the Third Police Station where they are still held.[23]

Amnesty International is also concerned that Mozambique expressed reservations on the 1951 Convention Relating to the Status of Refugees.

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

[21] Amnesty International phone interviews, 30 May 2019.
[22] Amnesty International (13 June 2019) Mozambique: Refugees, Asylum Seekers Held Arbitrarily – AFR 41/0465/2019. Available at: https://www.amnesty.org/en/documents/afr41/0465/2019/en/.
[23] Ibid.

RECOMMENDATIONS

- 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-refoulment; and
- Withdraw reservations to the 1951 Convention Relating to the Status of Refugees.

6. END BUSINESS-RELATED HUMAN RIGHTS ABUSES

Over the past decade, mining has increasingly become the focus of the Mozambican government to speed up economic growth, job creation, and poverty reduction. Amnesty's research indicates that, while prioritising mining, the government of Mozambique has failed to take corresponding steps to protect the human rights of communities affected by mining, as required under international human rights law and standards. Amnesty has documented cases in which mining companies have failed to identify and address the human rights impacts of their operations and, as result, have caused or contributed to serious human rights abuses – both when acquiring land for their operations and when conducting mining operations. This is fanning tensions, conflict and violence between companies and communities in affected rural areas, most notably in the central and northern regions. The use of land for mining also risks exacerbating already existing food insecurity in Mozambique, which has affected over 60% of people in rural areas who depend on the land for the livelihoods, food and water.

In 2013, coal mining company Vale Mozambique began to fence off land used by residents to graze their livestock and collect firewood, including in the Nhanchere area in the Moatize district of Tete province. On 13 June 2017, Hussen António Laitone was shot dead by police in Nhanchere during the community's peaceful protest land acquisition for mining; he did not participate in the protest.[24]

In a February 2018 report, Amnesty International found that Haiyu Mozambique Mining Company Ltd had breached the rights to adequate housing and decent living standards in the coastal village of Nagonha, Nampula province, because of the impact of irresponsible heavy sands mining by the company on the community's wetland, local ecosystem and ecological services. Evidence gathered by Amnesty strongly suggests that the way in which Haiyu deposited sand across the landscape placed the coastal village at heightened risk of flooding and very likely contributed significantly to a freak flood in February 2015, which destroyed one-fifth of the village. Villagers also lost property that they depended on for their livelihoods, including fishing tools. Neither the government of Mozambique or Haiyu have ever provided adequate reparation including compensation to the victims. Amnesty International's investigation also revealed that the company was failing to comply with national laws designed to protect communities affected by mining, as it had not conducted community consultations, environmental impact assessments or community resettlement with respect to the Nagonha community as required under national law and therefore lacked the Right to Land Use and Development (DUAT) to operate in the area.[25] Haiyu has repeatedly denied that its mine operations had any bearing on the flooding in Nagonha.

[24] Amnesty International (2018) The State of the World's Human Rights, London: Amnesty International. Available at: https://www.amnesty.org/en/documents/POL10/6700/2018/En/.

[25] Amnesty International (2018) "Our Lives Mean Nothing": The Human Cost of Chinese Mining in Nagonha, Mozambique. Available at: https://www.amnesty.org/en/documents/afr41/7851/2018/en/.

Haiyu's mining site in the village of Nagonha, Angoche district, Nampula province. © Amnesty International

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Put in place and enforce laws and regulations to ensure that land concessions for mining are granted in a way that respects the human rights of affected communities;
- Conduct a nation-wide audit in all communities affected by mining to assess to what extent mining companies are complying with their responsibilities under national law and international standards on business and human rights, and make the results of the inquiry public;
- Strengthen the monitoring and law enforcement mechanisms that protect the environment and rights of communities affected by mining because, at present, monitors and inspectors lack resources to monitor and inspect business operations to assess their impact on the environment and human rights.
- Develop business and human rights legislation requiring companies operating in Mozambique to undertake human rights due diligence in their operations and report on the steps taken; and
- Ensure that the residents of Nagonha have access to effective remedies and reparation. Reparation must include, among other things, adequate compensation for the damage caused by the loss of

their livelihoods and housing, and restitution of the ecological services of the wetland including drinking water, grazing land, medicinal plants, lagoons for fishing and recreational swimming.

Nagonha village after the destruction by the mining-related flood in 2015. © Amnesty International

7. PROTECT HUMAN RIGHTS UNDER CLIMATE CHANGE

In March and April 2019, Cyclones Idai and Kenneth respectively, ravaged parts of central and northern Mozambique with damages amounting to more US$2 billion. The impacts of the cyclones have significant and far-reaching human rights implications. In the context of the climate crisis, where intense weather-events are predicted to become more likely, States have the obligation under human rights law to do everything necessary to assist people to adapt to the foreseeable and unavoidable effects of climate change. This includes developing effective early-warning systems, contingency plans and long-term disaster risk reduction and climate change adaptation strategies to prevent and minimize the impact on human rights Human rights should be central to the design, planning and implementation of disaster risk reduction and climate adaptation strategies. This means, not only ensuring adequate and meaningful participation of affected people in the decision-making processes, but also that disaster risk management plans are sensitive to and address the dynamics of discrimination and exclusion faced by some people and communities.

In the case of cyclone Idai, despite having an institution dedicated to the management of natural disaster impact, the National Disasters Management Institute (INGC), Mozambique was caught unprepared even though the warnings from the Meteorology National Institute had come 10 days before the tropical depression developed into a cyclone landed in Beira. The INGC knew, or ought to have known, that given the location, decaying infrastructure and destruction of natural protective ecosystem, Beira is vulnerable to extreme weather conditions. The municipal government also knew, or should have known, that the city's positioning vis-à-vis the ocean – below sea level – increases the risks for people in case of disasters. Nonetheless, despite this knowledge, both the INGC and the municipal government did little to prepare for the impending impact.

In the aftermath of Cyclone Idai, Amnesty International received deeply disturbing and appalling reports of women's human rights violations and abuses by those charged with the responsibility of distributing food aid. According to the reports, women victims were forced to trade sex in exchange for food aid.[26]

[26] Human Rights Watch (25 April 2019) Mozambique: Cyclone Victims Forced to Trade Sex for Food. Available at: https://www.hrw.org/news/2019/04/25/mozambique-cyclone-victims-forced-trade-sex-food. Zenaida Machado (8 May 2019) Investigating 'Sex for Food' Allegations in Mozambique, Human Rights Watch. Available at: https://www.hrw.org/news/2019/05/08/investigating-sex-food-allegations-mozambique. Nita Bhalla (26 April 2019) U.N. to probe sex-for-food aid allegations after Mozambique's Cyclone Idai, *Reuters*. Available at: https://www.reuters.com/article/us-mozambique-women-aid-sexcrimes/un-to-probe-sex-for-food-aid-allegations-after-mozambiques-cyclone-idai-idUSKCN1S21IO.

The impact of Cyclone Idai in Sofala province, Mozambique. © World Meteorological Organization

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Thoroughly, impartially, and effectively investigate cases of forced exploitation in exchange of food aid in Sofala province in the aftermath of cyclone Idai, and bring to justice those suspected to be responsible in fair trials, and provide effective remedies to the victims; and
- Constitute an independent multidisciplinary and multisectoral working group on climate change and human rights – including government, civil society, academics, and international partners – to design and implement effective, inclusive and participatory disaster risk reduction and preparedness strategies, as well as mainstream human rights protection in the context of climate change.

The impact of Cyclone Kenneth in Cabo Delgado Province, April 2019, Mozambique. © UN Central Emergency Response Fund

8. WITHDRAW SECRET LOAN PAYMENTS TO MITIGATE THE IMPACT ON HUMAN RIGHTS

In 2016, the information about the illegal loans contracted illegally and secretly came to the surface for the first time sending shockwaves nationally, regionally and internationally.[27] Senior members of the Mozambican government under President Guebuza's administration, bypassed the parliament and contracted $2.2 billion loans with state guarantees, in violation of the *Constitution*. This triggered donors to withhold aid pending the government's co-operation and its full disclosure.[28] However, the state companies involved obstructed[29] Kroll's forensic audit of the loans which had been demanded by international donors to restore trust and to resume aid support. Consequently, donors continue to withhold aid.

Since then, an economic crisis has engulfed the country.[30] Secret loan revelations lead to projections that they would drive the public debt to 135% of GDP during 2017.[31] Local currency lost value and prices increased substantially, a situation compounded by the country's dependence on imports.[32]

The Administrative Court[33] and the Parliamentary Commission of Inquiry into the Situation of the Public Debt[34] stated in 2016 that the guarantees

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[27] Amnesty International (2018) The State of the World's Human Rights, London: Amnesty International. Available at: https://www.amnesty.org/en/documents/POL10/6700/2018/En/. A. Williams and J. Isaksen (2016) Corruption and state-backed debts in Mozambique: What can external actors do? U4 Anti-Corruption Resource Centre, *U4 Issue 2016:6*. Available at: https://www.u4.no/publications/corruption-and-state-backed-debts-in-mozambique-what-can-external-actors-do? A. Williams (2018) The Mozambique hidden loans case: An opportunity for donors to demonstrate anti-corruption commitment, U4 Anti-Corruption Resource Centre, *U4 Brief 2018:6*. Available at: https://www.u4.no/publications/the-mozambique-hidden-loans-case-an-opportunity-for-donors-to-demonstrate-anti-corruption-commitment.

[28] Club of Mozambique (3 May 2016) Breaking News: Budget support donors suspend aid to Mozambique. Available at: https://clubofmozambique.com/news/breaking-news-budget-support-donors-suspends-aid-to-mozambique/. EURACTIV.com (4 May 2016) EU among donor groups suspending aid to Mozambique over hidden debt. Available at: https://www.euractiv.com/section/development-policy/news/eu-among-donor-groups-suspending-aid-to-mozambique-over-hidden-debt/.

[29] Joseph Hanlon (4 September 2017) Kroll full report 2: Kroll tells a tale of misconduct, incompetence and secrecy – no one has clean hands – Hanlon. Available at: https://clubofmozambique.com/news/kroll-full-report-2-kroll-tells-a-tale-of-misconduct-incompetence-and-secrecy-no-one-has-clean-hands-hanlon/.

[30] Hanlon Joseph (5 May 2016) Secret Debt Crisis, *MOZAMBIQUE News reports & clippings 318*. Available at: http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Mozambique_318-5May2016_debt-crisis%20rev.pdf.

[31] Amnesty International (2018) The State of the World's Human Rights, London: Amnesty International. Available at: https://www.amnesty.org/en/documents/POL10/6700/2018/En/.

[32] Ibid.

[33] Adérito Caldeira (12 April 2016) Dívidas da EMATUM e da Proindicus violam a Constituição da República de Moçambique, *Verdade*. Available at: http://www.verdade.co.mz/tema-de-fundo/35-themadefundo/57536-dividas-da-ematum-e-da-proindicus-violam-a-constituicao-da-republica-de-mocambique.

[34] Joseph Hanlon (11 December 2016) Damning debt report from parliament, *MOZAMBIQUE News reports & clippings 348*. Available at:

CIP campaign against secret loans. © Carta de Moçambique

on the undisclosed borrowing by the government of USD2.2 billion for use in security and defence spending was illegal and unconstitutional. In June 2019, in an unprecedented move, the Constitutional Council finally put to rest the question of the loans legality – they are illegal and unconstitutional.[35]

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

RECOMMENDATIONS

- Immediately cancel all repayments into the secret loans seeing that three government bodies have declared them illegal, unconstitutional and injurious to the Mozambique people;
- Undertake prompt, thorough, impartial, independent and genuine investigations into the contracting of the illegal and unconstitutional loans and guarantees and ensure that responsible are subjected to criminal proceedings in trials that meet international standards of fair trial; and
- Cooperate with all national and international institutions in all activities related to the investigation into, and finding solutions to, the illegal and unconstitutional loans.

http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Mozambique_348-11Dec16_Parliament-debt-report.pdf.

[35] Carta de Mocambique (4 June 2019) Conselho Constitucional diz que dívidas da Ematum é inconstitucional. Available at: https://cartamz.com/index.php/politica/item/2086-conselho-constitucional-diz-que-divida-da-ematum-e-inconstitucional.

Campaign against secret loans in the UK. © Jubilee Campaign

9. END IMPUNITY IN CABO DELGADO

The situation is very concerning in the northern province of Cabo Delgado. Since October 2017, the northern districts of Cabo Delgado province have experienced armed attacks by individuals believed to be members of an extremist group, popularly known as "Al-Shabaab". The attackers have invaded villages, set houses on fire, hacked villagers to death with manchettes and looted their food. The Government increased the military presence in the region, however, the authorities' response has been inadequate and Amnesty International is alarmed by reports that the security forces have intimidated, arbitrarily arrested and detained, subjected to torture and other ill-treatment and even summarily executed people on suspicion of belonging to the extremist groups, as well as the journalists who reported on the attacks.[36]

The ongoing violent attacks in the northern districts of Cabo Delgado which began in October 2017, and which have so far claimed more than 100 lives,[37] not only constitute one of the most heinous violations of human rights but also create an ambiance for more human rights violations. The unknown perpetrators, whose political demands remain undeclared, have been attacking rural villages, beheading residents, looting food and burning houses. Amnesty International has received disturbing reports of human rights abuses by those charged with protecting communities – the police and the army.

Amnesty International is aware that the government prohibits the media from reporting the current political and social conditions in these districts, which violates the people's right of access to information; that journalists and researchers have been harassed, intimidated, arrested and detained for reporting about the conflict in Cabo Delgado, in violation of the right to freedom of expression and media freedom.

Amnesty International is also aware that, after the arrest of Germano Adriano, the governor of Cabo Delgado threatened journalists, told them in a press conference in Pemba that there was much more happening in the province than violent extremism, and warned them against of dire consequences if they continued to report about violent extremism.

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

[36] Human Rights Watch, *Mozambique: Security forces abusing suspected insurgents,* 4 December 2018. Available at: https://www.hrw.org/news/2018/12/04/mozambique-security-forces-abusing-suspected-insurgents.
[37] David Pilling (22 February 2019) Anadarko Petroleum attacked in Mozambique, *Financial Times.* Available at: https://www.ft.com/content/fcd30100-36d0-11e9-bb0c-42459962a812.

Trail of death and destruction in Cabo Delgado by unknown groups of extreme deviants. © Club of Mozambique

RECOMMENDATIONS

- Take immediate and effective action to end the killings including by reinforcing security measures to protect the lives of villagers in the region, and carrying out thorough, impartial and effective investigations into all the recent attacks with the aim of bringing suspected perpetrators to justice in fair trials;
- Respect, protect, promote and fulfil the right to freedom of expression and of media freedom including by allowing journalists to carry out their work in northern Cabo Delgado without any fear of reprisals;
- Respect the right to information including by permitting journalists and researchers to investigate and report on the human rights problems in the conflict zone; and
- Promptly, thoroughly and effectively investigate reported cases of human rights violations and abuses in the conflict zone and bring to justice those suspected to be responsible and provide effective remedies to the victims.

10. END PERSECUTION AND KILLING OF PEOPLE WITH ALBINISM

An estimated 30,000 people with albinism experience discrimination and many live in fear of their lives. Incidents of persecution continue. At least 13 people with albinism were known to have been killed in 2017, although the figures are likely to have been greater. The killings were fuelled by superstition or myths about the magical powers of people with albinism. Most killings took place in the central and northern provinces, the country's poorest regions.[38]

A seven-year-old boy with albinism was murdered on 31 January 2017 by four unidentified men who broke into his house and abducted him while the family slept, in Ngaúma district, Niassa province. On 28 May 2017, a group of unidentified assailants abducted a three-year-old boy from his mother in Angónia district, Tete province. On 13 September 2017, a 17-year-old youth was killed for his body parts and organs in Benga area, Moatize district, in Tete province. The attackers removed his brain, hair, and arm bones. None of those suspected to be responsible for the killings have been brought to justice.[39]

Despite public outcry, the government did little to address the problem. A strategy was designed to stop the killings; however, this was not implemented, reportedly because of a lack of resources.[40]

Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations, and make a pledge to deliver these commitments if elected:

[38] Amnesty International (2018) The State of the World's Human Rights, London: Amnesty International. Available at: https://www.amnesty.org/en/documents/POL10/6700/2018/En/.
[39] Ibid.
[40] Ibid.

RECOMMENDATIONS

- Adequately fund, implement and monitor the strategic framework to combat the persecution and killing of people with albinism;
- Thoroughly, impartially and effectively investigate all the pending cases of persecution and killing of people with albinism and hold to account all those suspected to be responsible;
- Provide effective protection for people with albinism against persecution and killing; and
- Design and implement public education campaigns about albinism to combat harmful beliefs, attitudes and practices in relation to albinism.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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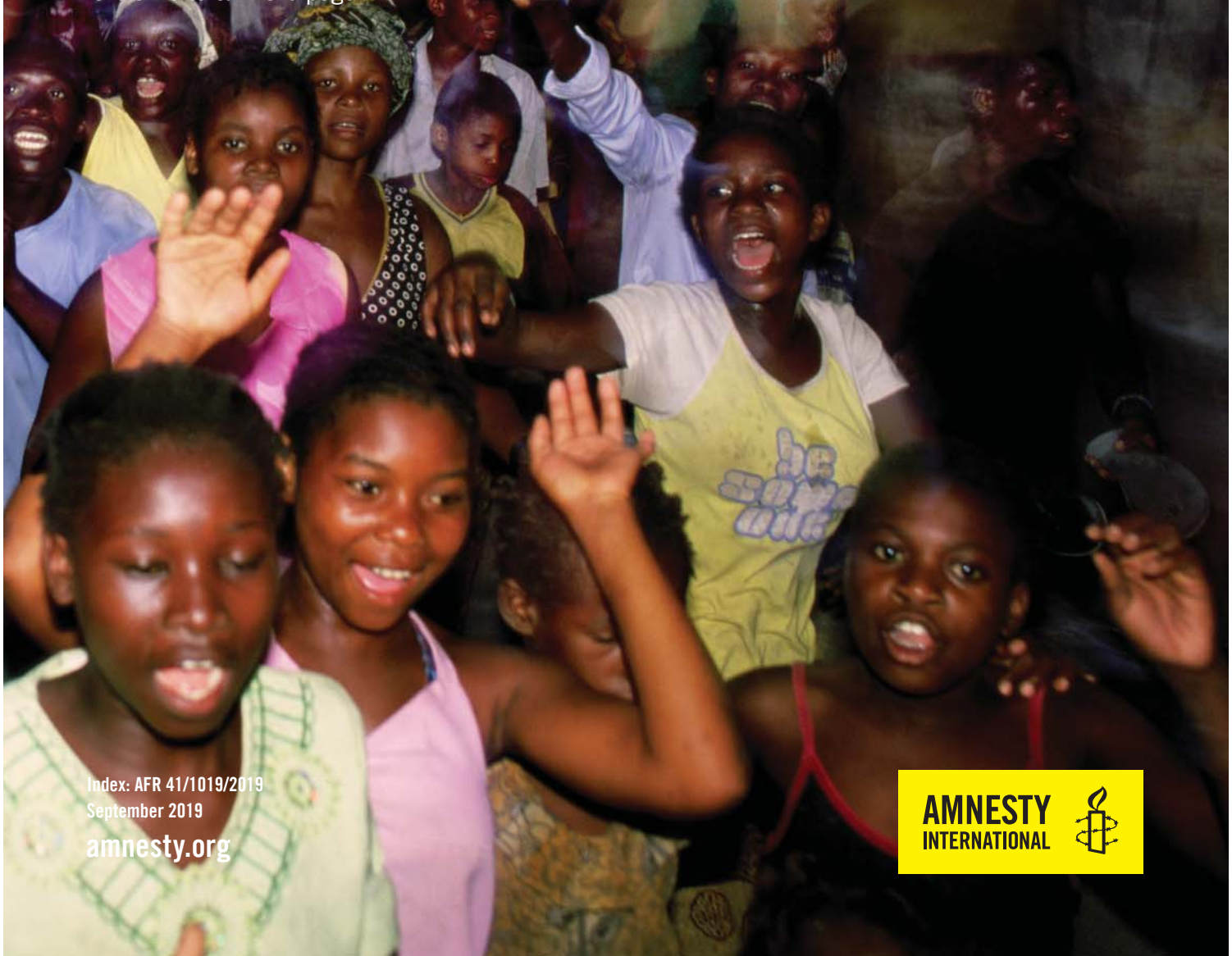
TURN THE PAGE!

A HUMAN RIGHTS MANIFESTO FOR MOZAMBICAN POLITICAL PARTIES AND CANDIDATES, OCTOBER 2019 ELECTION

On 15 October 2019, Mozambican are heading to the ballot box for their 6th general election since the end of the civil war in 1992. This election will take place 29 years after their government committed itself to the fundamental rights enshrined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. However, despite the lofty statements to put human rights at the centre, there are worrying signs of a roll back on human rights in the country. Mozambicans are going through the dark ages in the history of their government's human rights record. This Manifesto urges political parties and candidates to make a public commitment to uphold all the rights enshrined in the Constitution of the Republic Mozambique, and regional and international human rights treaties to which Mozambique is a state party.

It is time to turn the page!



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