“WHAT I SAW IS DEATH”

WAR CRIMES IN MOZAMBIQUE’S FORGOTTEN CAPE

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MAP

TANZANIA
Area of map
Palma
Mocímboa da Praia
Muichanga
Diaca
Awasse
Mbau
Quiterajo
Muidumbe
Miangalewa
Litamanda
Chai Seda
Mucojo
CABO DELGADO
Macomia
Ibo
Tandanhangue
Quirimba
Quissanga
Mahate
Bilibiza
Mozambique Channel
Metuge
PEMBA
Montepuez
30km
Basemap data: OSM, UN, ESRI

EXECUTIVE SUMMARY

> **"In Mocímboa everything is destroyed. Banks, the hospital. Our house. Everything destroyed. If anyone says something is there, they are lying. Many deaths happened. I only managed to come with my husband and children. My other family members, I don't know where they are."**
>
> A woman from Mocímboa da Praia, who fled with her 10 children to Pemba.

Cabo Delgado is often called Mozambique's Forgotten Cape.

After suffering decades of under-investment, government negligence, and crushing poverty, the province of Cabo Delgado, the poorest in Mozambique, is now the site of a raging insurgency, one that has claimed thousands of lives and left towns and villages in ruins. Fighting has intensified since an armed group locally known as Al-Shabaab (unrelated to Al-Shabaab in Somalia) attacked the northern port town of Mocímboa da Praia in October 2017, causing widespread destruction, mass displacement and death, and untenable humanitarian conditions for those who have fled.

Al-Shabaab's abuses 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; the first is a beheading, the second a quartering, as one would cut apart an animal being butchered.

Fighters have also abducted young women and children, including girls as young as seven. Most often Al-Shabaab targets teenage girls, though boys are also taken to be made into new fighters. Further investigation is needed into the scale of these abductions and the violations that Al-Shabaab has committed against children they have captured, including sexual violence and potential use in hostilities.

In response to attacks by Al-Shabaab, government forces have carried out attacks of their own, not only against members of the armed group, but also against civilians accused of collaborating with or supporting the group. These government forces, which include 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 a number of battles—often running away and stripping off their uniforms to escape combat—the government hired a South African private military company called Dyck Advisory Group to fight Al-Shabaab using armed helicopters. According to 53 witnesses interviewed by Amnesty International, Dyck operatives have fired machine guns from helicopters and dropped hand grenades indiscriminately into crowds of people, failing to differentiate between civilians and military targets.

The civilian residents of Cabo Delgado are caught between three fighting forces, none of which respect their protected status under international humanitarian law (the laws of war). Analysis of satellite imagery shows that in areas of heavy fighting, such as Litamanda, the majority of structures have been burned to the ground. The Armed Conflict Location and Event Data Project (ACLED) estimates that over 1,300 civilians have been killed during the conflict, and the UN High Commissioner for Refugees estimates that 530,000

people—or over one quarter of the entire population of Cabo Delgado—are displaced internally. But these are only estimates, as the population is scattered and much of the violence goes unreported.

Older women and men have been particularly affected by the conflict. In several incidents documented in this report, some older people and persons with disabilities were unable to flee fighting and then suffered at the hands of one or more fighting factions. They have been burned to death in their homes and shot and killed or injured from indiscriminate fire.

In the long term, the insurgency in Cabo Delgado will only be resolved when the government invests in the community, addresses issues of systemic poverty, and the residents' economic, social, and cultural rights are respected. But today, there is a humanitarian crisis, as internally displaced persons face food shortages and live in overcrowded penury in Pemba, and the conflict continues to escalate.

This report documents violations of international humanitarian law, including war crimes, by all sides of the conflict, in particular during attacks against the villages of Chai Sede and Litamanda, and the towns of Macomia, Mocímboa da Praia, and Quissanga, between March and June 2020. Amnesty International is calling upon all parties to the conflict to immediately cease targeting civilians, and for the government of Mozambique to investigate the crimes detailed in this report.

METHODOLOGY

This report is based on research conducted by Amnesty International between September 2020 and January 2021, and focuses primarily on the impact of the increased fighting in Cabo Delgado since the major attack on Mocímboa da Praia in March 2020. In three case studies, this report documents violence against civilians by the armed group known locally as Al-Shabaab, extrajudicial executions and other human rights violations by the security forces of the government of Mozambique, and indiscriminate attacks by the private military company Dyck Advisory Group. Finally, this report examines the displacement of civilians and humanitarian crisis that have resulted from the fighting.

Due to COVID-19 travel restrictions, Amnesty International researchers did not travel to Cabo Delgado themselves. Instead, Amnesty International conducted remote interviews with victims and survivors of the attacks via secure video and voice calls. Social distancing and other pandemic-related precautions were taken as appropriate.

Amnesty International interviewed a total of 79 internally displaced persons from 15 communities in Cabo Delgado, both along the coast and as far inland as Montepuez. The interviews were all translated, either from Portuguese to English, or, in some cases, from Mwani, Makonde, or Swahili to Portuguese and then to English.[1] Potential interviewees were informed about the nature and purpose of the research as well as how the information they provided would be used, before deciding whether to agree to an interview. No incentives or monetary compensation were provided in exchange for their accounts. Oral consent was obtained from each interviewee, and all were given the option to not have their names included in the report. None of the interviewees chose to have their names used, for fear of government reprisals. Amnesty International assesses that this risk is real and significant.

To conduct this research, Amnesty International also reviewed satellite imagery, photographic material, and medical and ballistics information, consulting relevant experts as required. The Crisis Evidence Lab's Digital Verification Corps completed an open source investigation of available social media material, and Amnesty International interviewed analysts from international organizations, journalists, humanitarian workers, and local human rights monitors, and consulted academic articles and reports from NGOs and international bodies.

On 8 January 2021 and 22 January 2021, Amnesty International requested an official response from Dyck Advisory Group to the allegations in this report. At the time of this writing, the company had not replied.

On 05 February 2021, Amnesty International requested an official response from the government of Mozambique to the allegations in this report. At the time of this writing, the government had not replied.

[1] There are multiple ways to spell many proper names of people and places in Cabo Delgado, and Amnesty International has attempted to use the most common and recognized for each.

1. BACKGROUND

Forty-five years after gaining independence from Portugal in 1975, successive Mozambican governments have failed to build an effective administration in Cabo Delgado. The northernmost province in Mozambique, 2500kms from the capital, Cabo Delgado ranks near the bottom of the country's provinces by nearly every measure, including economic opportunity, malnutrition, education, and access to clean water, electricity, and sanitation. In 2015, the poverty rate in Cabo Delgado was over 50 percent.[2]

When Cyclone Kenneth struck in April 2019, it hit a region that was already devastated. The government's failure to build effective infrastructure—in all aspects of its services, including transportation, education, and sanitation—has violated the human rights of the residents and created a breeding ground for a violent insurgency.

Before the armed group known as Al-Shabaab began its attacks in October 2017, Cabo Delgado was mostly known for its natural resources: rubies were discovered in Montepuez in 2009, and liquid natural gas near Palma in 2010.[3] That very little of the income generated by these extraction industries—largely worked by international corporations, such as the UK's Gemfields, France's Total and Italy's Eni—stays in Cabo Delgado has contributed to the sense of resentment and outrage that fuels the fire of the insurgency.

Despite the region's remoteness and lack of development, it has potentially enormous natural resources which offer equally enormous opportunities for profit. Given this, some commentators have asserted that the success of Al-Shabaab's insurgency endangers Mozambique's economic future, by directly threatening the country's prospects as a major exporter of liquefied natural gas.[4] It also seems clear that these economic interests have created pressure for the Mozambican government to mount an effective response to the insurgency.[5]

THE PARTIES TO THE CONFLICT

Under international humanitarian law, the crisis in Cabo Delgado is considered a non-international armed conflict, as the fighting has met the required level of intensity and the parties are sufficiently organized.[6] The two parties to the conflict are the security forces of Mozambique and the armed group known locally as Al-Shabaab. In addition, the government relies on the private military company (PMC) Dyck Advisory Group, whose operatives directly engage in hostilities. Their participation in conflict raises additional concerns, not all of which are fully addressed under the current state of international law.

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[2] World Bank Group, "'Strong but not Broadly Shared Growth': Mozambique Poverty Assessment," April 2018. Retrieved on 8 January 2021 from: http://documents1.worldbank.org/curated/en/248561541165040969/pdf/Mozambique-Poverty-Assessment-Strong-But-Not-Broadly-Shared-Growth.pdf

[3] Gemfields Group Limited, "Montepuez Ruby Mining Litamanda." Retrieved 8 January 2021 from: https://www.gemfieldsgroup.com/assets/montepuez-ruby-mining-limitada/. Total, "Mozambique Liquefied Natural Gas Project." Retrieved on 8 January 2021 from: https://www.mzlng.total.com/en/homepage

[4] Tim Lister, "Jihadi Insurgency in Mozambique Grows in Sophistication and Reach," CTC Sentinel, October 2020. Retrieved on 23 Dec 20 from https://ctc.usma.edu/jihadi-insurgency-in-mozambique-grows-in-sophistication-and-reach/

[5] David Whitehouse, "Mozambique LNG prospects lifted by international response to Islamist insurgency," Africa Report, 27 November 2020. Retrieved on 13 January 2021 from: https://www.theafricareport.com/52389/__trashed-21/

[6] Based on the relevant international treaties (Article 3 Common to the Four Geneva Conventions of 1949 and Protocol II to the Geneva Conventions) and jurisprudence of international tribunal, the International Committee of the Red Cross (ICRC) defines non-international armed conflicts as: "protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation." ICRC, *How is the term "Armed Conflict" defined in international humanitarian law?*, Opinion Paper, March 2008. https://www.icrc.org/en/doc/assets/files/other/opinion-paper-armed-conflict.pdf

AL-SHABAAB

The armed group fighting an insurgency in Cabo Delgado is known by several names. Some international observers refer to the jihadist organization by its official title, either Ahl al-Sunnah wa al Jamma'ah (ASWJ), or Ansar al-Sunna, or as the Mozambican arm of the armed group calling itself the Islamic State's Central African Province (ISCAP).[7] Locally, residents and security forces refer to the fighters as either "the terrorists" or "the bandits," and name them as Al-Shabaab, which means "the Youth" in Arabic.[8] In this document, Amnesty International will use the term Al-Shabaab, as it is the one most frequently used by the people of Cabo Delgado.

Al-Shabaab is primarily a homegrown armed group fighting over local issues, an insurgency sparked by the long-term under-investment in the Muslim-majority province by the central government. The group uses jihadist ideology as an organizing tool.[9] While Islamist ideologies have been growing in Cabo Delgado for decades, the movement did not gain traction until the arrival of resource extraction industries that provide little subsequent benefit for the local communities.

The current uprising by Al-Shabaab began on 5 October 2017, with a raid on police stations in Mocímboa da Praia.[10] In 2018, photos appeared on social media of Al-Shabaab fighters pledging allegiance to IS, though IS's official Amaq News Agency did not release a video confirming the acceptance of the *bayah*, or pledge of support, until June 2019.[11] That IS video declares that fighters in both the Democratic Republic of the Congo and Mozambique now form the Central Africa Wilayah, or branch, of the group. However, there is no evidence that there are links—moving weapons, or providing training, for instance—between the fighters in the two countries outside of the name. International observers often describe the IS as "infiltrating" Mozambique, but there is no evidence that Al-Shabaab is primarily composed of, or led by, foreign fighters.[12] While a few Ugandans have been identified within Al-Shabaab's ranks, and several Tanzanians hold important mid-level positions, the armed group remains largely a local organization, with local concerns, that has pledged loyalty to an outside umbrella group.[13]

Testimonies gathered by Amnesty International confirm this finding. Witnesses said Al-Shabaab fighters spoke to each other in a number of languages, some local to northern Mozambique, like Mwani and Makonde. In addition, some fighters spoke to each other in the general languages of the region, like Portuguese and Swahili, or Arabic during prayers and sermons.[14] Many said they recognized a significant number of Al-Shabaab fighters as former residents of their towns. For example, during the June 2020 attack on Mocímboa da Praia, one woman was initially confused about who was fighting whom. "Some of the bandits were members of the community and some were outsiders and it was hard to understand what was going on," she told Amnesty International.[15]

The strength of the link between Al-Shabaab and the IS is a matter of debate. Amnesty International research has identified over 40 videos and public statements from official IS communications channels, including the Amaq News Agency, between December 2019 and November 2020 that claim credit for Al-Shabaab attacks and other activities. Amaq is tightly controlled by IS leadership, and an official release from the agency is strong evidence of affiliation. However, several high-profile attacks by Al-Shabaab forces—including, for example, the August 2020 seizing and holding of the town of Mocímboa da Praia, or the October 2020 cross-border raid into Tanzania—were not the subject of official Amaq videos.[16] As an equivalent attack by other IS branches would almost certainly be heavily promoted with video propaganda,

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[7] Ahl al-Sunnah wa al Jamma'ah means "Followers of the Prophet's Way and the Unity of the Ummah." ASWJ has been the name of a variety of Islamic organizations all over the world, none necessarily associated with this Mozambican group. Tim Lister, "Jihadi Insurgency in Mozambique Grows in Sophistication and Reach," *CTC Sentinel*, October 2020, Volume 13, Issue 10. Retrieved on 23 December 2020 from https://ctc.usma.edu/jihadi-insurgency-in-mozambique-grows-in-sophistication-and-reach/

[8] Al-Shabaab is also the name of the Al-Qaida-affiliated jihadist organization in Somalia. There are no known connections between Al-Shabaab in Somalia and Al-Shabaab in Mozambique.

[9] João Feijó, "Asymmetries in Access to the State: A Fertile Land for the Penetration of Islamic Jihadism?" *Observatório do Meio Rural,* June 2020. Retrieved on 28 December 2020 from https://omrmz.org/omrweb/wp-content/uploads/Observador-Rural-93-Asymetries-in-the-Acess-to-the-State.pdf

[10] Eric Morier-Genoud (2020) "The jihadi insurgency in Mozambique: origins, nature and beginning," Journal of Eastern African Studies, 14:3, 396-412. Retrieved on 28 December 2020 from https://www.tandfonline.com/doi/abs/10.1080/17531055.2020.1789271.

[11] Tim Lister, "Jihadi Insurgency in Mozambique Grows in Sophistication and Reach," CTC Sentinel, October 2020. Retrieved on 23 December 2020 from https://ctc.usma.edu/jihadi-insurgency-in-mozambique-grows-in-sophistication-and-reach/

[12] As an example of "infiltration" rhetoric, see "The Mozambique Conflict and Deteriorating Security Situation," Tony Blair Institute for Global Change, 19 June 2020. Retrieved on 23 December 2020 from https://institute.global/policy/mozambique-conflict-and-deteriorating-security-situation

[13] James Barnett, "The 'Central African' Jihad: Islamism and Nation-Building in Mozambique and Uganda," Hudson Institute, 29 October 2020. Retrieved on 30 December 2020 from: https://www.hudson.org/research/16471-the-central-african-jihad-islamism-and-nation-building-in-mozambique-and-uganda

[14] Amnesty International remote interviews, 5 October 2020 and 7 October 2020.

[15] Amnesty International remote interview, 12 October 2020.

[16] The attack into Tanzania was eventually mentioned in the IS's al-Naba weekly newsletter some time later.

this lack of an output potentially shows a more tenuous connection between Al-Shabaab and the main IS leadership.[17]

During the attacks, Al-Shabaab fighters sometimes wear portions of the Mozambique Defence Armed Forces (FADM) uniforms that they have looted or simply picked off the ground, discarded by soldiers running away during battle.[18] Similarly, Al-Shabaab fighters use a variety of Kalashnikov rifles, PKM machine guns, PG-7 rocket propelled grenades, 60mm mortars, and other weapons (including newly-provided Chinese-made Tiger armoured vehicles) stolen from FADM soldiers.[19] Residents stressed, however, that they could still tell Al-Shabaab fighters from regular FADM soldiers because Al-Shabaab fighters only wore pieces of the uniform, and often wore long beards, carried machetes, and had other distinguishing features, like black headdresses with the IS emblem.[20]

GOVERNMENT FORCES

The two main government forces participating in the fighting in Cabo Delgado are the FADM and the Rapid Intervention Unit (UIR) of the national police. FADM soldiers are identifiable by their green and brown 'lizard' camouflage uniforms, black boots, tan web gear, and yellow-and-black shoulder tabs. The UIR wear solid lighter green uniforms and are identified, locally by civilians, by their black-and-white Mahindra trucks.[21]

The relationship between local residents and FADM and UIR personnel has been strained for many years, and the fighting has only exacerbated both sides' feelings of suspicion and mistrust. Many commentators claim that government forces are poorly trained, poorly equipped, and inexperienced in combat—hardly up to the task of responding to a violent insurgency.[22]

PRIVATE MILITARY CONTRACTORS

Dyck Advisory Group (DAG) is a PMC registered in South Africa and founded by Colonel Lionel Dyck, a white 76-year-old former commander of the Rhodesian African Rifles and Zimbabwe Parachute Battalion, who fought in both the Rhodesian Bush War and later for the newly independent Zimbabwe.[23] Until Colonel Dyck was hired by the Mozambique government to fight Al-Shabaab, his most public work has involved demining services through MineTech International.

DAG has experience flying helicopters and light aircraft in southern Africa, as part of anti-poaching campaigns. While DAG may be performing a variety of functions, including training Mozambican police, the most visible service they provide is in direct combat with Al-Shabaab fighters, using armed aircraft.[24]

DAG's pilots and crew are housed in Pemba, and DAG uses the municipal airport and the local FADM headquarters to base its aircraft. Amnesty International has obtained photographs showing that DAG flies at least three different helicopters: a dark green or black SA-341B Gazelle helicopter, a light green Alouette, and a red Bell 206 Long Ranger.[25] The Bell and Gazelle helicopters may have been repainted in the near past, as a few videos available online show them in slightly different paint schemes (though this may also indicate the company has access to additional aircraft). Another helicopter, a dark blue Gazelle with tail code ZU-ROJ, made a hard landing into Quissanga on 8 April 2020 and was destroyed in place.[26] Witnesses never describe more than three helicopters present during a battle at one time.

These helicopters are armed with side-mounted machine guns and, according to an independent expert with knowledge of Dyck's operations, the crew also drop hand grenades out the open doors onto targets below.[27]

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[17] "IntelBrief: Islamic State Fighters in Mozambique Demonstrate Increased Resilience," *The Soufan Center,* 23 September 2020. Retrieved on 28 December 2021 from https://thesoufancenter.org/intelbrief-islamic-state-fighters-in-mozambique-demonstrate-increasing-resilience/
[18] Amnesty International remote interviews, 5 October 2020, 9 December 2020 and 10 December 2020.
[19] https://twitter.com/CalibreObscura/status/1260588929604083716
[20] Amnesty International remote interview, 9 December 2020. Video on file at Amnesty International.
[21] Amnesty International remote interviews, 25 September 2020 and 8 October 2020.
[22] Tonderayi Mukeredzi, "Mozambique Can't Contain Its Insurgency Alone," Foreign Policy, 11 September 2020. Retrieved on 13 January 2021 from: https://foreignpolicy.com/2020/09/11/mozambique-contain-insurgency-counterterrorism-strategy-assistance/.Tim Lister, "Jihadi Insurgency in Mozambique Grows in Sophistication and Reach," CTC Sentinel, October 2020. Retrieved on 23 December 2020 from https://ctc.usma.edu/jihadi-insurgency-in-mozambique-grows-in-sophistication-and-reach/
[23] Hannes Wessels, "Colonel Dyck and the Fight for Northern Mozambique," *Rhino Review,* 20 July 2020. Retrieved on 30 December 2020 from: https://rhinoreview.org/colonel-dyck-and-the-fight-for-northern-mozambique/
[24] "Colonel Dyck confirms Mozambique ground force plans," *Zitamar News,* 20 July 2020. Retrieved on 28 December 2020 from https://zitamar.com/colonel-dyck-confirms-mozambique-ground-force-plans/
[25] Photos on file at Amnesty International. These helicopters are visually very distinct from the Mi-8's flown by the FADM, making it plausible for witnesses on the ground to differentiate DAG and FADM aircraft.
[26] https://twitter.com/CalibreObscura/status/1252223975310196737
[27] Amnesty International remote interview, 8 December 2020.

While the machine guns have been widely reported as 20mm calibre,[28] a video of the aircraft flying shows much more common PKM or MG-M1-style 7.62mm machine guns mounted in the doors, as is typical.[29]

According to a separate video obtained by Amnesty International, DAG also flies at least one light Cessna fixed-wing aircraft, though there are reports that DAG also operates a heavier Cessna Caravan, a Bat Hawk, and a Diamond DA42.[30] According to local media, another Bat Hawk crashed in June 2020.[31]

[28] "Colonel Dyck confirms Mozambique ground force plans," *Zitamar News,* 20 July 2020. Retrieved on 28 December 2020 from https://zitamar.com/colonel-dyck-confirms-mozambique-ground-force-plans/
[29] For example: facebook.com/watch/?v=246213189858774
[30] J Hanlon newsletter, 10 April 2020. Retrieved on 30 December 2020 from http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Mozambique_480-10Apr2020_Quirimba_Helicoper-down.pdf
[31] Club of Mozambique, "Another private military contractor aircraft down in Mozambique," 19 June 2020. Retrieved on 30 December 2020 from https://clubofmozambique.com/news/another-private-military-contractor-aircraft-down-in-mozambique-163599/

2. PATTERNS OF ABUSE

2.1 AL-SHABAAB

Al-Shabaab fighters regularly attack cities, towns, and villages, killing both FADM soldiers and civilians. While during the attacks some fighters insist to civilians that only government facilities and government personnel are the target, Amnesty International has found that fighters routinely kill civilians, loot their homes, and then burn them down using petrol.[32] Under international humanitarian law, civilians should never be the target of attacks. Deliberate killing of civilians, looting and deliberate destruction of homes are serious violations of international humanitarian law and war crimes.

Al-Shabaab fighters have killed civilians with both firearms and machetes. One 75-year-old man—who fled the fighting in Naguvala, a village on the coast near the town of Quissanga—said that those civilian men who fought back against Al-Shabaab were "beheaded" and "chopped." Like many people who have experienced attacks by Al-Shabaab, he used two separate words, "beheaded" and "chopped," to differentiate between the methods of killing. The first being a simple decapitation, the second imitating the quartering of an animal during butchering, which the man described as being "divided like a cow."[33] Sometimes these beheadings occur en masse; in November 2020, media reported that over 50 civilians had been killed at once at a football pitch in Muidumbe.[34]

These actions have been done deliberately to intimidate and frighten the population. One man, who had a job where he drove a truck regularly along the coast to Palma, said "On that road I could see every day dead corpses. These corpses were chopped and beheaded. They could take parts of a human body … and take photos. They shared them via WhatsApp. That was to show the people what they were doing. I saw many bodies. I was scared."[35]

Attacks have not always occurred in large, populated areas. There have also been smaller attacks on individuals and small groups that contribute to the climate of fear. One young woman told Amnesty International how on 23 July 2020 the civilian bus on which she and her husband were travelling was stopped by Al-Shabaab fighters in the small village of Nguida, on the N380 road. The fighters shot up the bus, and when it stopped, they ordered everyone to come out, one by one, so they could be executed. She was shot once in the chest, and her husband was hit as well.

She recalled:

> **At that time one of the bandits left … to go get the machete to use it on the wounded people. Later, he said we don't need to chop them all, we can leave them to bleed and suffer. The leader of the bandits asked all the people about why they are trying to run away. They were running back to Macomia. "You can run back but we are coming and we will do the same thing to Macomia as we are doing here." The chief said this.[36]**

[32] Amnesty International remote interview, 8 October 2020.
[33] Amnesty International remote interview, 8 October 2020.
[34] Reuters, "Mozambique police say northern village, site of reported beheadings, retaken from insurgents," 20 November 20202. Retrieved on 30 December 2020 from: https://www.reuters.com/article/mozambique-insurgency/mozambique-police-say-northern-village-site-of-reported-beheadings-retaken-from-insurgents-idUKL8N2I61J0
[35] Amnesty International remote interview, 6 October 2020.
[36] Amnesty International remote interview, 30 September 2020.

This woman, who was seven months pregnant at the time, survived because the Al-Shabaab fighters believed she would die on her own.[37] Her husband died of his wounds on the way to the hospital, and she gave birth two months later.

Al-Shabaab also abducts civilians, particularly young women and girls. One former resident of Quissanga named over a dozen girls, some as young as 15, who had been taken in this way.[38] In addition, many displaced young women and girls said they left their communities and fled to Pemba specifically because of the threat of abduction, detention, rape, and forced marriage to Al-Shabaab fighters.[39]

Sometimes boys are taken as well. "Al Shabaab, they took a lot of kids," said one man, a former resident of Mocímboa da Praia. "They take both boys and girls, age 15 and 16. Some, they take them to behead. Some they make the girls become 'wives' and do work in the base. The boys become soldiers."[40]

IMPACT OF THE CONFLICT ON OLDER WOMEN AND MEN

In several incidents documented for this report, older women and men appear to have suffered disproportionately, especially those with limited mobility, who have often been unable to flee during days of fighting.[41] They have faced threats from each of the fighting factions. Some older people have been burned to death inside their homes; others have been shot and killed during indiscriminate fire. Amnesty International has documented a similar pattern in other conflicts.[42]

In June 2018, Mozambique signed (but has not yet ratified) the Protocol to the African Charter on Human and Peoples' Rights on the rights of older persons in Africa. The protocol includes obligations to meet older people's specific health needs; to ensure their active participation; and, in situations of armed conflict, to "receive humane treatment, protection and respect at all times" and to "be among those to enjoy access, on a priority basis, to assistance."[43] There are also specific protections, including to non-discrimination, for older women and older people with disabilities.[44]

Mozambique should ensure that both its security personnel and those of DAG understand the unique risks faced by older persons and persons with disabilities and take greater steps to protect such individuals from their own operations and from Al-Shabaab attacks.

2.2 THE GOVERNMENT OF MOZAMBIQUE

The Mozambique government claims that one of the key missions of its security forces is "to ensure the defense of citizens and the protection of their property."[45] Yet Amnesty International has found that the military and police too often breach their duties by harming citizens and unlawfully taking their property.

BEATINGS, HARASSMENT AND EXTORTION

Residents told Amnesty International that they are subjected to constant harassment and extortion by police. One 57-year-old man, who is a farmer and local leader at his mosque, said that when traveling between Pemba and Montepuez, he was stopped at a checkpoint by police who demanded a bribe. The police said he had to send money from his phone (using M-Pesa, common in Mozambique) to another person also stopped at the checkpoint, who would then send the money to the police officer. That way, there would not

[37] Hospital records reviewed by Amnesty International confirm the nature of the injuries and the date of treatment, consistent with testimony during the remote interview on 30 September 2020.
[38] Amnesty International remote interviews, 10 December 2020 and 11 December 2020.
[39] Amnesty International remote interviews, 25 September 2020, 9 October 2020 and 10 December 2020.
[40] Amnesty International remote interview, 11 December 2020.
[41] There is no global treaty on the rights of older persons nor a unified definition in international law of what constitutes an "older person". The Protocol to the African Charter on Human and Peoples' Rights on the rights of older persons in Africa (hereinafter African Protocol on Older Persons), which Mozambique has signed, defines older persons as age 60 or older. The Office of the High Commissioner for Human Rights (OHCHR) promotes a context-specific approach to older age, recognizing that "age is a social construct based on custom, practice, and the social role a person plays in his or her community". OHCHR, Report of the United Nations High Commissioner for Human Rights (2012 ECOSOC Report), UN Doc. E/2012/51, 20 April 2012, para. 8. From a rights perspective, an arbitrary minimum age cut-off is misguided, as it risks failing to respond based on individual rights and needs. In Mozambique, where the life expectancy is around 60 years of age, some people in their 50s should likely also be considered "older persons," also taking into consideration their self-identification.
[42] Amnesty International, "My heart is in pain": Older people's experience of conflict, displacement, and detention in Northeast Nigeria," 8 December 2020, https://www.amnesty.org/download/Documents/AFR4433762020ENGLISH.PDF. Amnesty International, "Fleeing my whole life": Older people's experience of conflict and displacement in Myanmar," 18 June 2019, https://www.amnesty.org/download/Documents/ASA1604462019ENGLISH.PDF
[43] African Protocol on Older Persons, Articles 12, 14, 15, and 17.
[44] African Protocol on Older Persons, Articles 9 and 13.
[45] "Mozambique: Defence Ministry Denies Amnesty International Claims," Agencia de Informacao de Mocambique, 11 September 2020 (quoting Omar Saranga, spokesperson for the Mozambican Defence Ministry).

be a record of the police receiving the bribe directly. When the farmer refused, the officer threatened to call a black car (a Mahindra police vehicle) to pick him up. The farmer knew what that meant. "Once you get in the car there is no way back. You will be disappeared."[46]

FADM soldiers also mistreat the civilian population they are deployed to protect. 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.[47]

"In Litamanda the military always catch people and beat them, especially young people," said a woman in her sixties, who had since fled to Pemba with her children.[48] Likewise, relations between FADM soldiers and the civilian population in Macomia were tense before the major attack took place on the town. "After 5pm, the soldiers set up a curfew in Macomia, even before the attack," said one young man. "Before, the relationships between civilians and soldiers were not so good. But it got worse after the attack. The military intimidates people. Sometimes we could hear shots in middle of the day at the military headquarters and we asked what was happening and they say cleaning their weapons."[49] The man did not believe the soldiers' explanation, and said that soldiers regularly kill civilians.

"We don't trust the soldiers," said one shop owner. "Innocent people died. I used to sell alcohol, soldiers would just take it and harass you. I don't cut my hair because of a motorcycle accident and soldiers say my hair is too long, you can't have big beard or hair or they harass you. They take your money and say you got it from Al-Shabaab."[50]

TORTURE, ILL-TREATMENT, AND EXTRAJUDICIAL EXECUTIONS

The most serious abuses by the Mozambican security forces that Amnesty International documented were recorded on video and in photographs. 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. The security forces in these videos wear the uniforms of both the FADM and UIR, and speak Portuguese and Shangaan, a language from southern Mozambique. They also reference recent fighting in Mocímboa da Praia, making it highly likely that the videos were filmed in or near Cabo Delgado in the first half of 2020.[51]

Four videos depict the torture of detainees; three prisoners are tied with their arms behind their back, and then kicked and beaten with sticks or rifles by several soldiers. Meanwhile, other soldiers mock the prisoners and encourage the assault. The prisoners are either completely naked or stripped naked from the waist down, and then their genitals are beaten with sticks. In another video, after the beatings, a soldier leans down and uses a knife to cut off a victim's ear.

[46] Amnesty International remote interview, 25 September 2020.
[47] Amnesty International remote interview, 8 October 2020.
[48] Amnesty International remote interview, 15 October 2020.
[49] Amnesty International remote interview, 16 October 2020.
[50] Amnesty International remote interview, 16 October 2020.
[51] 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/

Members of the Mozambican armed forces beating prisoners suspected of being members of Al-Shabaab in Mocimboa Praia district (still from video believed to have been taken in the first half of 2020). Video on record with Amnesty International.

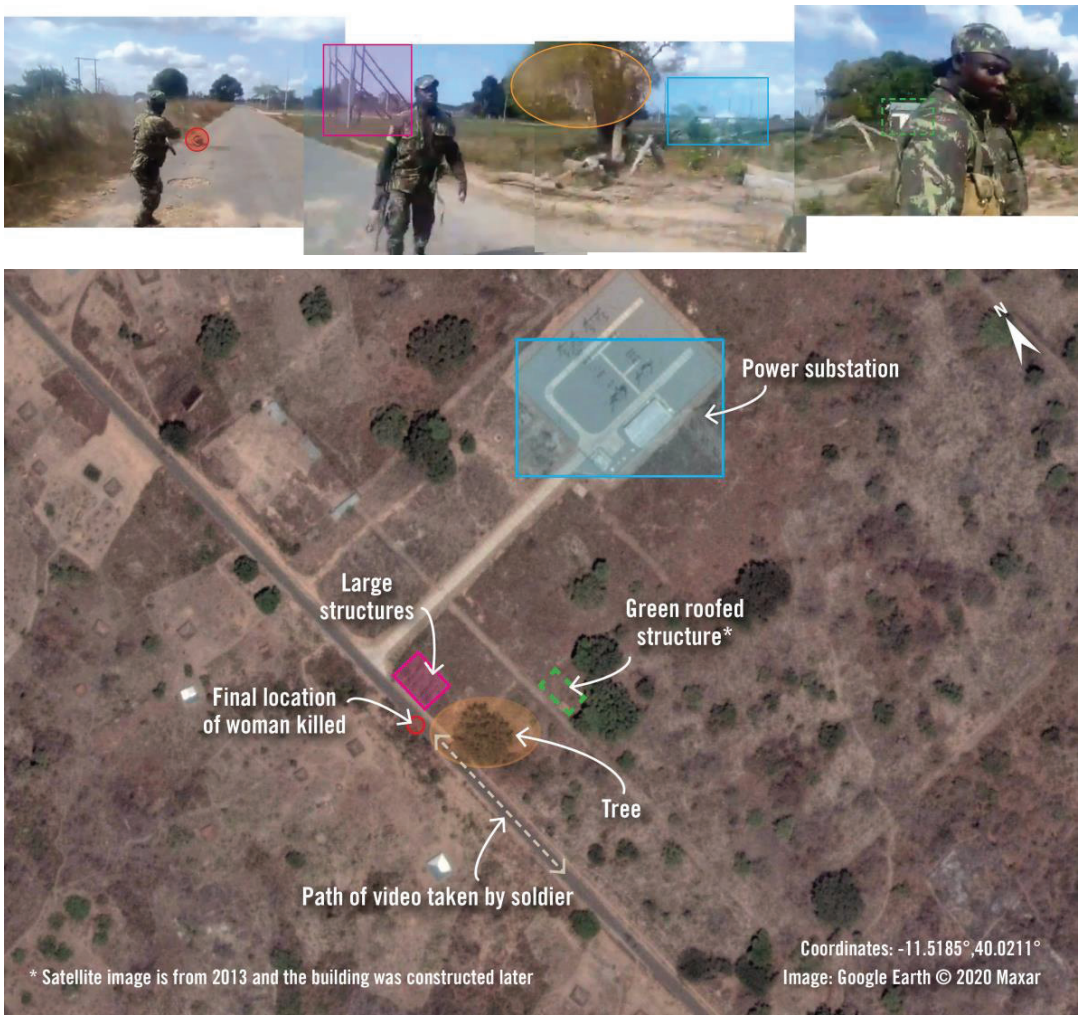
A fifth video and a related photograph reveal how some victims' bodies are mistreated after death and possibly the killing of an injured man. The photo shows approximately 15 bodies in the back of a pick-up truck — all bound, blindfolded and half-naked — with many bearing new bruises and open wounds. The video shows bodies in a mass grave, and soldiers going from body to body, sawing with a long knife to slit the throats of live victims or attempt to behead the corpses. In one case, the victim may have still been alive during the decapitation, as one man is heard crying for his life while a soldier yells back in Portuguese: "Ah, shut up!"

After the videos depicting torture and other ill-treatment were released publicly, additional videos from the fighting soon appeared on social media. One shows the extrajudicial execution of an unidentified naked woman in the middle of the R698 road, outside the electrical substation on the western side of the village of Awasse.[52]

The woman was attempting to flee north along the road when she was approached by men wearing FADM uniforms. After beating her with a wooden stick, they shot her dead and left her naked body on the highway. Four different gunmen shot her a total of 36 times with a variety of Kalashnikov rifles and a PKM-style machine gun.[53]

The video first appeared on social media on 14 September, but was shared privately on mobile phones on 7 September, the day that it was likely filmed, which coincides with the government's "mega-operation" to remove insurgents from Awasse and Diaca. Later, media reports identified one of the gunmen, and cited a Facebook post that he had died in combat just after the video was taken.[54] Later the minister of defence claimed the video was the result of image manipulation by Al-Shabaab to tarnish the image of the Mozambican armed forces, an assertion contradicted by verified evidence.[55]

[52] The killing took place at coordinates -11.5185, 40.0211.
[53] 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/
[54] "Ramiro Moisés Machatine: o assassino da mulher de Awasse foi morto?" Carta de Mocambique, 17 September 2020. Retrieved on 20 December 2020 from: https://cartamz.com/index.php/politica/item/6126-ramiro-moises-machatine-o-assassino-da-mulher-de-awasse-foi-morto
[55] "Governo nega que militares que aparecem em vídeo de violência sejam do exército," *Deutsche Welle*, 16 September 2020. Retrieved on 28 January 2021 from: https://www.dw.com/pt-002/governo-nega-que-militares-que-aparecem-em-v%C3%ADdeo-de-viol%C3%AAncia-sejam-do-ex%C3%A9rcito/a-54954212



Satellite imagery (bottom image) shows the location of features along the R698 road where the extrajudicial execution occurred in September 2020, which were visible in the video of the killing. These features are highlighted in a panorama constructed from the video (top image).

FAILURE TO PROTECT

In addition to the mistreatment of civilians, Mozambican government forces have also failed to live up to their responsibilities to protect civilians from Al-Shabaab attacks, killings, abductions, and other abuses. Residents of Litamanda, the town of Macomia, Mucojo and Quiterajo in Macomia district, Mbau and the town of Mocímboa in Mocímboa da Praia district, and the town of Quissanga in Quissanga district, all reported that FADM soldiers ran away when their towns were attacked by Al-Shabaab, usually dropping their weapons and taking off their uniforms to hide with civilians in the bush.[56] Five said they put on women's clothes to blend in.[57]

"It is strange, to tell you that the terrorists attack and that the soldiers were not there to protect us," said a businessman from Quiterajo. "The point is yes, the soldiers were there, but every time there was this kind of attack the soldiers were there with us running away. So it is difficult for us to say who was there to protect us, because in fact no one was there to protect us."[58]

Even if state military forces are losing on the battlefield, they still have a human rights obligation to organize the evacuation of civilians to safely, and otherwise protect the population from interference by non-state actors.

[56] Amnesty International remote interview, 2 October 2020, 6 October 2020, 7 October 2020, 9 October 2020, 12 October 2020 and 13 October 2020.
[57] Amnesty International remote interviews, 8 October 2020 and 12 October 2020.
[58] Amnesty International remote interview, 7 October 2020.

Between the beatings and harassment, and failure to fight back against Al-Shabaab, many civilians feel caught and betrayed. A 32-year-old woman with two children, and former resident of Quissanga, said, "Civilians trusted the soldiers but they were trusting a snake."[59]

2.3 DYCK ADVISORY GROUP

In a total of 53 interviews, local residents said they personally observed DAG helicopters and light aircraft direct machine gun fire at civilian infrastructure, including hospitals, schools, and homes made of mud and thatch.[60] Thirty of those witnesses said they also observed the helicopters hand-dropping explosive ordnance out the side of the helicopters.[61] In a broad pattern reflected in multiple engagements, witnesses consistently said the helicopters fired indiscriminately into crowds, or dropped ordnance, without distinguishing between combatants and civilians.

For example, one woman who observed the fighting in Mocímboa da Praia in late June 2020 said:

> **[T]wo helicopters came, one shooting and dropping bombs. One group [of civilians] that was running raised their hands and they were not shot. But another group that was with the bandits did not raise their hands and they were shot. We saw this. Many people died there. We couldn't stop to see who, we ran in a different direction.[62]**

Arbitrary hand gestures are not a sufficient method of distinguishing between military and civilian targets. Any failure, on the part of those carrying out attacks, to comply with their obligation to distinguish between civilians and fighters is a violation of international humanitarian law and may constitute a war crime.

In addition to the cases documented below (in the villages of Chai Sede and Litamanda, and the towns of Macomia and Mocímboa da Praia), residents also observed attacks against the villages of Bilibiza and Mahate in Quissanga district, and Muidumbe, and Quiterajo in Macomia district.[63] The only aircraft flying over all of these communities, on the days observed, were operated by DAG.

[59] Amnesty International remote interview, 1 October 2020.
[60] Amnesty International remote interviews, 30 September 2020, 2 October 2020, 3 October 2020, 5 October 2020, 6 October 2020, 7 October 2020, 8 October 2020, 12 October 2020, 13 October 2020, 14 October 2020, 15 October 2020, 16 October 2020, 9 December 2020, 10 December 2020 and 11 December 2020.
[61] Amnesty International remote interviews, 3 October 2020, 5 October 2020, 6 October 2020, 7 October 2020, 8 October 2020, 12 October 2020, 14 October 2020, 15 October 2020, 16 October 2020, 9 December 2020 and 11 December 2020.
[62] Amnesty International remote interview, 12 October 2020.
[63] Amnesty International remote interviews, 30 September 2020, 6 October 2020, 12 October 2020 and 13 October 2020.

3. ATTACKS ON TOWNS AND VILLAGES

According to research by ACLED, over 1,300 civilians have died in a total of 798 "organized violence events" in Cabo Delgado between October 2017 and February 2021.[64] The majority of these attacks occurred within the last year, as fighting has intensified across the region, and Al-Shabaab has seized and held the port town of Mocímboa da Praia since August 2020.

The three case studies below are representative of the patterns of fighting, its appalling effects on civilians, and the human rights and humanitarian law violations endemic to the conflict.

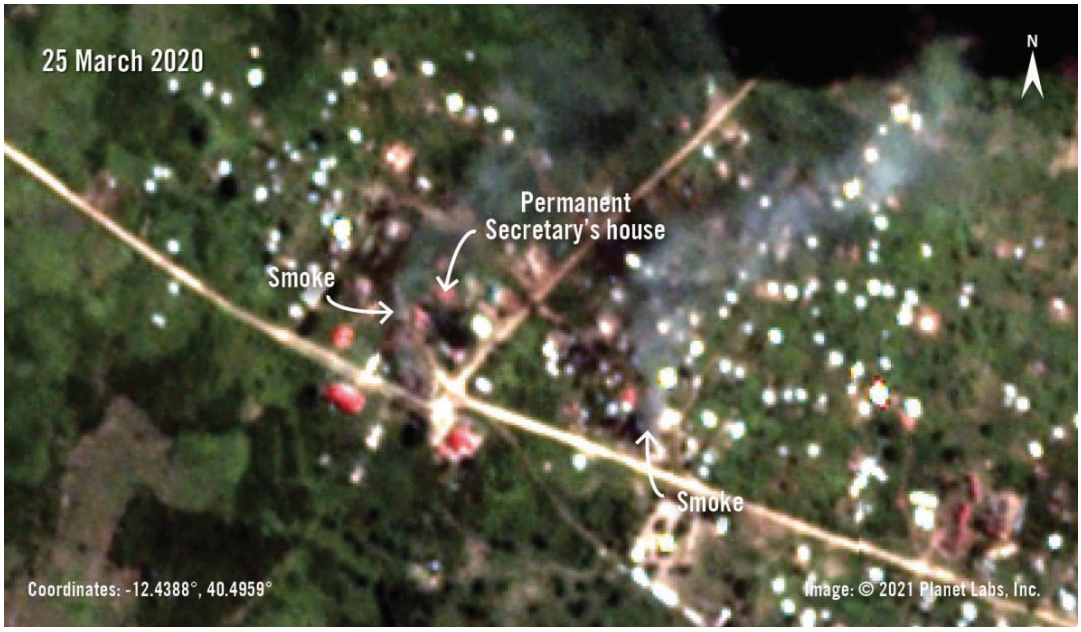
A mound of ashes is seen in a village attacked by Al-Shabaab outside Macomia. © Photo by Marco Longari/AFP via Getty Images

[64] "Cabo Ligado Weekly: 8-14 February 2021," ACLED, 17 February 2021. Retrieved on 22 February 2021 from https://acleddata.com/2021/02/17/cabo-ligado-weekly-8-14-february-2021/

3.1 QUISSANGA

Very early in the morning of 25 March 2020,[65] Al-Shabaab fighters attacked the town of Quissanga, the inhabitants waking to the sound of gunfire.[66] Amnesty International spoke to 16 former residents of Quissanga who witnessed the initial fighting and then the extrajudicial executions, beatings, abductions, and burning and looting that followed.

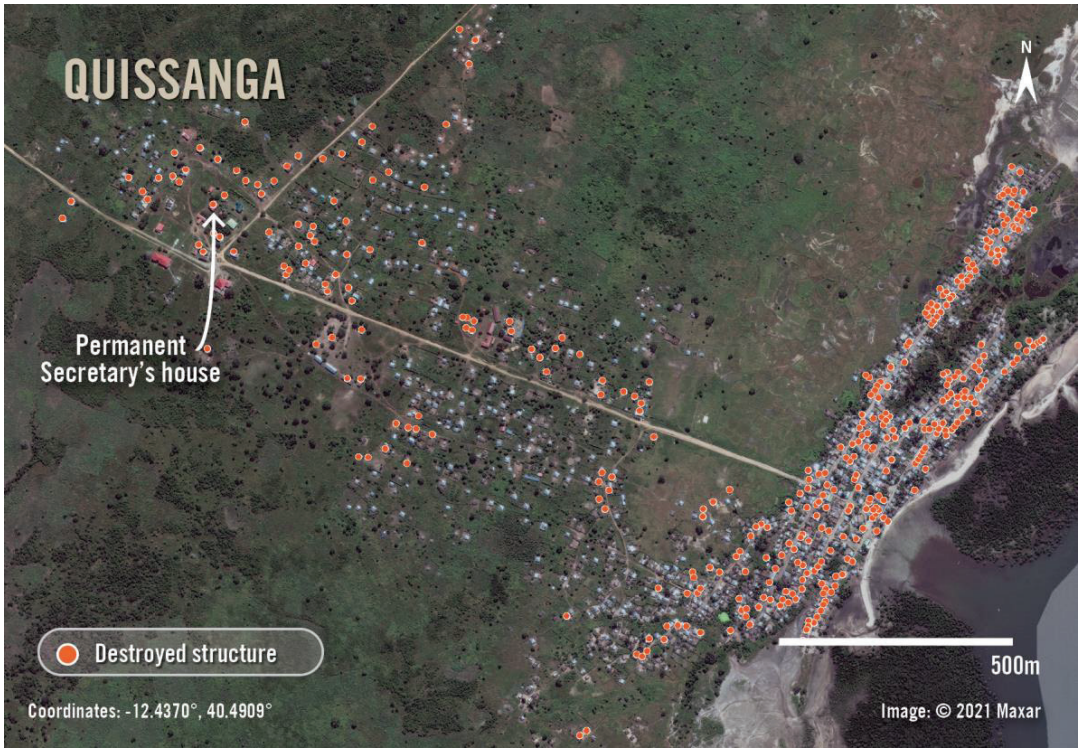
Al-Shabaab fighters surrounded Quissanga in the pre-dawn darkness and signalled the beginning of the attack by shooting into the air with their rifles. Most of the civilian residents ran away as soon as they heard the gunfire, and nine witnesses observed FADM soldiers and police officers fleeing as well.[67] The majority of the villagers ran into the forest and mangroves along the coast, and many stayed there several days without food. Because they had run away with nothing, some villagers did attempt to return, to get supplies for the rest. "When the shooting slowed down, some of the people who thought they were strong went to the village to get food, clothes, whatever they could get," said one woman.[68] Those residents who returned to Quissanga and spoke to the Al-Shabaab fighters were told that the civilians did not need to fear because the insurgents were only looking to kill "pigs," i.e., FADM soldiers.[69] However, the Al-Shabaab fighters did loot stores and government buildings, and torched the hospital, school, and other official infrastructure.[70] A video released by the IS-controlled Amaq News Agency shows Al-Shabaab fighters posing in front of a partially burned district headquarters building, and satellite imagery from 25 March 2020 shows active smoky fires in the town.[71] Analysis of satellite imagery indicates that at least 387 structures were ultimately burned as a result of the attack.



On 25 March 2020, imagery shows smoke from fire rising in Quissanga.

[65] Club of Mozambique, "Mozambique: Terrorists Attack Quissanga – AIM report," 26 March 2020. https://clubofmozambique.com/news/mozambique-terrorists-attack-quissanga-aim-report-156197/ France 24, "Thousands Flee Islamist Insurgents in Northern Mozambique," 31 Jul 2020, https://observers.france24.com/en/20200731-investigation-thousands-flee-Islamic-insurgents-Mozambique
[66] Amnesty International remote interviews, 1 October 2020, 9 October 2020, and 9 December 2020.
[67] Amnesty International remote interviews, 1 October 2020, 2 October 2020, 9 October 2020, and 9 December 2020.
[68] Amnesty International remote interview, 1 October 2020.
[69] Amnesty International remote interviews, 1 October 2020 and 9 October 2020.
[70] Amnesty International remote interviews, 8 October 2020 and 9 October 2020.
[71] Video on file at Amnesty International, image Planetscope satellite imagery.

Inland, imagery shows a burned helicopter north east of the Permanent Secretary's house. A stand of trees east of the house is likely where the mass grave is located.



An overview of Quissanga, Mozambique shows much of the village was destroyed by fire. Imagery from 3 May 2020 was analysed showing 378 structures were visibly destroyed.

Some of the villagers who fled north took refuge at a place called Tandanhangue, a small community along the coast where the residents make salt. Three days after the initial attack, several FADM soldiers found some civilians hiding there. According to a witness, the soldiers, without explanation, told the women to go away, saying "we don't want to see anyone here tomorrow, take your children and leave this place."[72] But they kept the men behind, and led them from the salt camp a few kilometres back down the road to the south, to the house of the Permanent Secretary (the second highest ranking representative of the district government), which lies near a road junction inland from the city centre on the coast.[73] This junction serves as the government hub of the region; the police station and administrative building for the district lie just to the south of the Permanent Secretary's home.

The witness told Amnesty International that the men were divided into two groups. Those deemed unthreatening, likely because of their older age, were allowed to leave, while several younger and fitter men were told to remove their shirts and trousers. Then the soldiers used the shirts to bind each man's eyes, and one-by-one they were led to a hole near the house where they were shot and their bodies dumped in the mass grave. One of the men killed on that day was a 42-year-old farmer with six children named Abdureman Said. But one civilian was left alive, a man named Abdul Adam, who reported the incident to Sayeed's family, and then was later himself killed by soldiers.[74] [See text box on the following page.]

Over the next month, this Permanent Secretary's house would come to be known to villagers as a place where government security forces took women to be raped, and men detained, beaten, and in some cases, summarily executed as well.[75] Six witnesses described a mass grave behind the home, a "big hole" under the trees, where people would be taken to be shot and dumped directly in the pit.[76] "People disappeared," said one woman, "They were all taken to the hole to be killed. They come with a list of names, they ask if we know them. And we didn't lie, in case they took us away too."[77] While no residents knew the exact number of people killed there, former residents put the number at well over a dozen, and four witnesses specifically noted that a man named Musa Zuremede, an imam and community leader, was killed in this way.[78] Satellite imagery analysis shows a clump of trees, matching witnesses' descriptions, 40 meters northeast of the Permanent Secretary's house.

Clashes in Quissanga continued regularly between government forces and Al-Shabaab fighters over the next several months. According to a man detained by Al-Shabaab, at their camp outside of Quissanga, the group's fighters entered the town about once a week, to loot goods and abduct young women and girls and return them to the base.[79] The man was at the base with approximately two dozen other young men and boys, who had all been abducted for the purpose of recruiting them as fighters.

In particular, Al-Shabaab would return in order to force all the residents who remained in Quissanga to pray in the mosque. "When I was there the terrorists came back every Friday to pray, all the people should be there and dress like Muslims with a hat," one resident said, adding "Those who were sick and didn't leave the hospital could face consequences."[80]

At times, these attacks by Al-Shabaab were repelled by DAG aircraft. "One Friday we saw helicopters coming from Pemba," one resident said. "You can easily see them coming to Quirimba. We can hear shots. The terrorists were there, they came the night before … The fight was going on suddenly, the helicopter came flying, and then came to Quissanga … We ran away because we thought they were coming for us. The helicopters were shooting bullets over to stop people coming."[81]

On 8 April, a blue Gazelle helicopter, operated by DAG, which had been flying over the island of Quirimba, made a hard landing into a football pitch in nearby Quissanga.[82] It is unclear whether the helicopter landed because of mechanical failure, or from ground fire from Al-Shabaab, as the group claimed in an official Amaq video on 20 April 2020.[83] Local children and some adult civilians went to see the downed helicopter, as a curiosity. Two other DAG helicopters, that had also been flying combat patrols over Quirimba, accompanied the blue Gazelle to its landing point, and shot their machine guns into the surrounding countryside, perhaps as a deterrent for further attacks, while FADM soldiers arrived to secure the area.[84]

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[72] Amnesty International remote interview, 2 October 2020.
[73] Amnesty International remote interviews, 30 September 2020, 1 October 2020, 2 October 2020, 9 October 2020 and 9 December 2020. The Permanent Secretary is at coordinates -12.433120 40.483560.
[74] Amnesty International remote interview, 1 October 2020.
[75] Amnesty International remote interviews, 1 October 2020, 8 October 2020 and 9 December 2020.
[76] Amnesty International remote interview, 2 October 2020, 8 October 2020, 9 October 2020, 9 December 2020 and 10 December 2020.
[77] Amnesty International remote interview, 10 December 2020.
[78] Amnesty International remote interviews, 8 October 2020, 9 December 2020 and 10 December 20.
[79] Amnesty International remote interview, 30 September 2020.
[80] Amnesty International remote interview, 9 October 2020.
[81] Amnesty International remote interview, 9 October 2020.
[82] Amnesty International remote interview, 8 October 2020.
[83] https://twitter.com/AnalystMick/status/1252225153943158786 ; https://www.africanpilot.co.za/apanews/number-18-28-april-2020/
[84] Amnesty International remote interview, 8 October 2020.

Then the two DAG helicopters landed and the crews attempted to fix the helicopter. When that was not possible, they covered the helicopter in petrol and lit it on fire.[85] Satellite imagery taken on 3 May 2020 shows a burned helicopter in a field behind the Permanent Secretary's house.[86]

A closer look at Quissanga by the water, shows many structures – circled in orange – have been destroyed.

Witnesses on the ground said the three helicopters had a total of nine crew members, three people per airframe. Of those nine, two were black men and seven were white people, most likely contractors from outside Mozambique.[87]

Before the attack by Al-Shabaab, Quissanga was a town of nearly 10,000 people.[88] According to displaced people who fled the town in September, nearly every civilian has left. "There are only soldiers and bandits in Quissanga now." said one former resident. "They divided the city. The terrorists and the military have been wiping everyone out."[89]

ABDUL ADAM AND HIS FAMILY[90]

When Al-Shabaab attacked Quissanga in March 2020, many residents fled to the nearby islands of Quirimba and Ibo. Some used boats, and others walked the nine kilometres on foot, across the dangerous tidal flats with their swirling cross currents, their children on their shoulders when the water got too deep.[91]

Bibi Abdul was one of those who walked. Sixty-six years old, she had lived in Quissanga her whole life. Her son, Abdul Adam, helped her cross the estuary, along with her daughter-in-law and several grandchildren. The rest of the family wanted to go to Pemba, to escape the fighting, but Bibi Abdul wanted to stay because her older brother insisted on remaining himself, and Quissanga was the only home she had ever known. And so she moved back, even as Al-Shabaab occupied the town. She told the rest of her family to leave. "If I die it is God's wish, if we meet it is God's wish," she told them. And so they left for Pemba, all except for Abdul Adam, who decided to stay with his mother, and went fishing every day so she would

[85] The helicopter appears completely burned in the Amaq video.
[86] The helicopter visible at coordinates -12.43310, 40.48307. Image Maxar.
[87] Amnesty International remote interview, 8 October 2020.
[88] The town of Quissanga is much smaller than the district, which has a population over 50,000. *Médecins Sans Frontières,* "Mozambique – Quissanga District – Population Distribution – 7/05/2019", https://reliefweb.int/sites/reliefweb.int/files/resources/MOZ_BM_CD_QuissangaPop_A3P_190507.pdf
[89] Amnesty International remote interview, 2 October 2020.
[90] Amnesty International remote interviews, 1 October 2020, 2 October 2020 and 9 October 2020.
[91] Amnesty International remote interviews, 9 October 2020, 9 December 2020 and 10 December 2020.

have something to eat.

Abdul Adam was a popular gregarious man. He was 45 years old, had a wife and two daughters, and spoke Portuguese and English well, in addition to his native Mwani, and could talk to anyone and put them at ease. He had travelled far outside of Cabo Delgado, had lived in South Africa and Zimbabwe, and had worked for a logistics company in Maputo. In Quissanga, he was known as a successful businessman, a man of the world, and he used his connections to help his community.

Abdul Adam made it a point to befriend the local Navy and FADM commanders, and he served as a connection between the military and civilians. When soldiers would ask if a person supported Al-Shabaab or not, Abdul Adam would step in and vouch for people from Quissanga, so they wouldn't be harassed, beaten, or killed. People who had fled to Quirimba or Ibo wanted to return to Quissanga by boat, to retrieve their personal belongings, and Abdul Adam would serve as a facilitator, as he was known to the soldiers and could negotiate safe passage. He would call ahead to his connection in the local FADM unit, and tell the names of the people coming, and get them a permit to land in Quissanga. Often he would bring alcohol to the soldiers, that he acquired from Pemba, to keep on the good side of the FADM.

One day in June, Abdul Adam was assisting in just this way, helping a young man and a much older business leader, in getting supplies from Quissanga. When they landed on the beach outside of town, they saw that military boats were there as well, and several soldiers guarded the way into town. The soldiers told the three men that they were not allowed to enter Quissanga, and while the two men could leave and return to Quirimba, Abdul Adam had to stay with them. The men balked, but the soldiers shot into the air and said that if they argued, they'd have to stay with Abdul Adam as well. The two men returned to Quirimba and waited for Abdul Adam to return, but he never did.

Abdul Adam entered Quissanga with the FADM soldiers. He handed out the bottles of wine and whiskey, but he didn't recognize these soldiers. They were new. His contacts had all been in a previous FADM unit, one that had been only temporarily assigned to fight in Cabo Delgado but had since returned to the south for relief. A new unit had replaced them. Abdul Adam didn't have any friends in the new unit. They asked him who he was and why he was handing out free alcohol, and after growing suspicious, one walked him up the hill to the hole at the home of the Permanent Secretary. Abdul Adam was never seen again.

After holding a funeral for her son in July, Bibi Abdul fled to Pemba.

3.2 CHAI SEDE, LITAMANDA, AND MACOMIA

On 28 May 2020, Al-Shabaab launched a series of attacks against towns along the main N380 road that runs north-south, parallel to the coast about 40 kilometres inland.[92] Three of the communities in Macomia district hit that day were the villages of Chai Sede and Litamanda, and the town of Macomia.[93] Amnesty International spoke to 33 former residents of these towns, who described how Al-Shabaab forces killed people and burned homes, how FADM units failed to protect the population, and how DAG operatives in helicopters fired indiscriminately.

Al-Shabaab attacked Litamanda in the early morning, before dawn, and began to kill civilians and burn both government buildings and civilian homes. The fighters were armed with rifles, machine guns, and RPG launchers, and some of them were driving motorcycles and trucks. Twelve witnesses said many fighters were wearing FADM camouflage, but based on their actions and speech it was clear they were actually Al-Shabaab fighters.[94] "The first day the bandits came wearing FADM uniforms," said a young mother who fled the fighting. "They killed people, they beheaded [my nephew] and my neighbour."[95] In response, most of the population of Litamanda attempted to run away. "We stayed in the forest five days," said one man, a farmer and father of eight. "On the sixth day we went back and confirmed what happened. We had seen the fire glowing at night. We had seen fire against the houses, against goats, everything was completely destroyed. When we went back to the village, we saw everything burned."[96]

[92] Johann Smith, "Insurgent attack on Macomia town and surrounding villages," *Zitamar News,* 30 May 2020. Retrieved on 31 December 2020 from https://zitamar.com/analysis-insurgent-attack-macomia-town-surrounding-villages-may-2020/
[93] "Cabo Ligado Weekly: 25-31 May 2020," *ACLED,* 2 June 2020. Retrieved on 27 December 2020 from https://acleddata.com/2020/06/02/cabo-ligado-weekly-25-31-may-2020/
[94] Amnesty International remote interviews, 3 October 2020, 5 October 2020 and 14 October 2020.
[95] Amnesty International remote interview, 3 October 2020.
[96] Amnesty International remote interview, 7 October 2020.

Soldiers assigned to the FADM post in Litamanda put up little resistance and fled into the bush with the civilian population.[97] "There were soldiers in our neighbourhood, but when the attack took place we saw no soldiers," said one man. "The soldiers run away with the community to the forest. They do not fight."[98]

Not every resident was able to escape. Older people and people with disabilities were often left behind. "During the first attack, when they start killing people, some of us fled into the forest, hiding for a week. Some [older people] were saved by young sons, the young carried their grandmother, but others we left behind," said a 52-year-old woman, a widow, who was saved by one of her 18 grandchildren.[99]

Another resident described hard choices the families had to make while fleeing:

> **Some of the elders stayed because we couldn't carry all of them. We managed to carry our grandmother. She was a little bit on the opposite side from where people were shooting so we managed to take her away. But the others, it was not possible. So they kept them inside houses to protect them. They didn't expect to see the bandits burning the houses.[100]**

Soon helicopters operated by DAG arrived, dropping hand grenades and returning fire against the Al-Shabaab fighters.[101] The fighting was very chaotic, with Al-Shabaab fighters, fleeing soldiers, and civilians all mixed together. "The first day, there were two helicopters wiping out the people. Shooting guns and dropping bombs. Those people wearing uniforms were also shooting against people and burning houses. It was hard to tell who was who. Everyone was shooting against people," said a woman who helped carry older people to safety.[102]

DAG helicopters returned on subsequent days, trying to remove Al-Shabaab from the village. "The insurgents stayed in Litamanda village for five days. The helicopters came and opened fire and left in the afternoon. The helicopters came to open fire for three consecutive days while the insurgents were still in the village, but the insurgents were there for five days," said a witness who watched the helicopter flights while hiding in the forest nearby during the fighting.[103]

Some villagers returned to Litamanda after the shooting had ended; most had fled without food and suffered significant hunger while hiding in the bush. "I have 10 children and I came with all of them," said one woman, age 63, who left on the first day of the fighting. "We spent a week in the bush hiding from the attackers. We ate cassava and other things from people's farms, anything we could find."[104]

These villagers needed to collect their belongings before walking the 200 kilometres to Pemba, but upon return, many discovered they had lost all their possessions. "[Al-Shabaab] burned everything and opened fire all over the place," said a woman in her 70s, the matriarch of a large family. "We lost everything. The only clothes we were left with were the ones we were wearing. They took our motorbike and other goods, and what they could not take they burned."[105]

Satellite imagery shows widespread fire damage to the village, over 790 structures—including homes, markets, and government facilities—burned to the ground.

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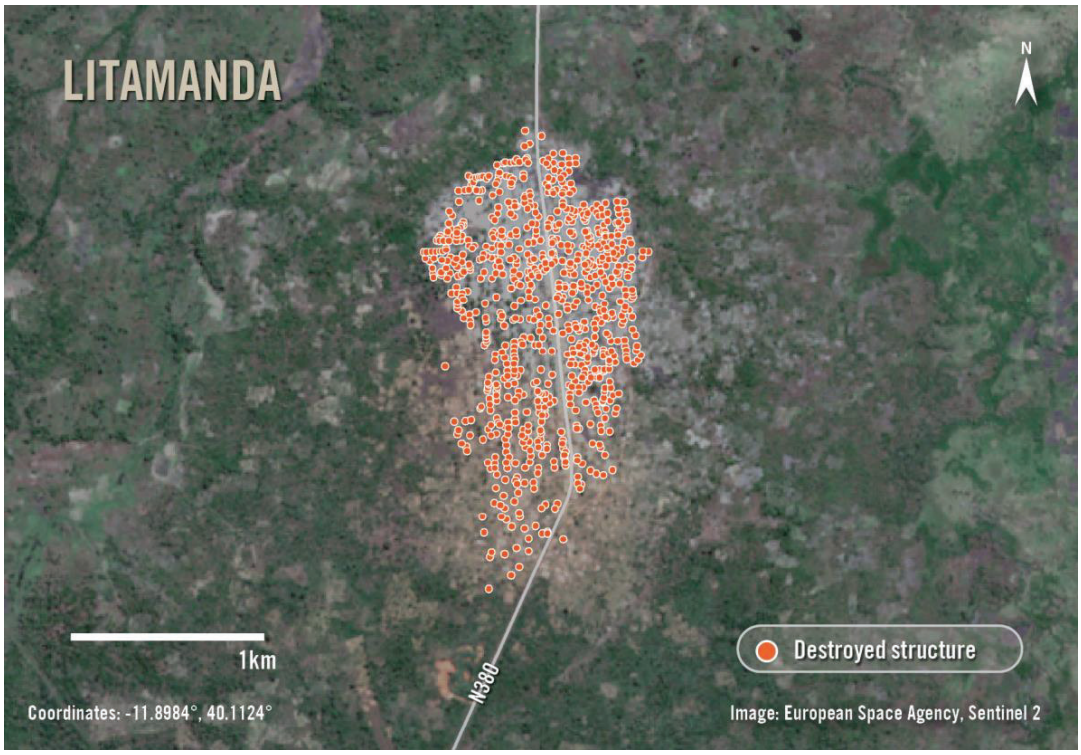
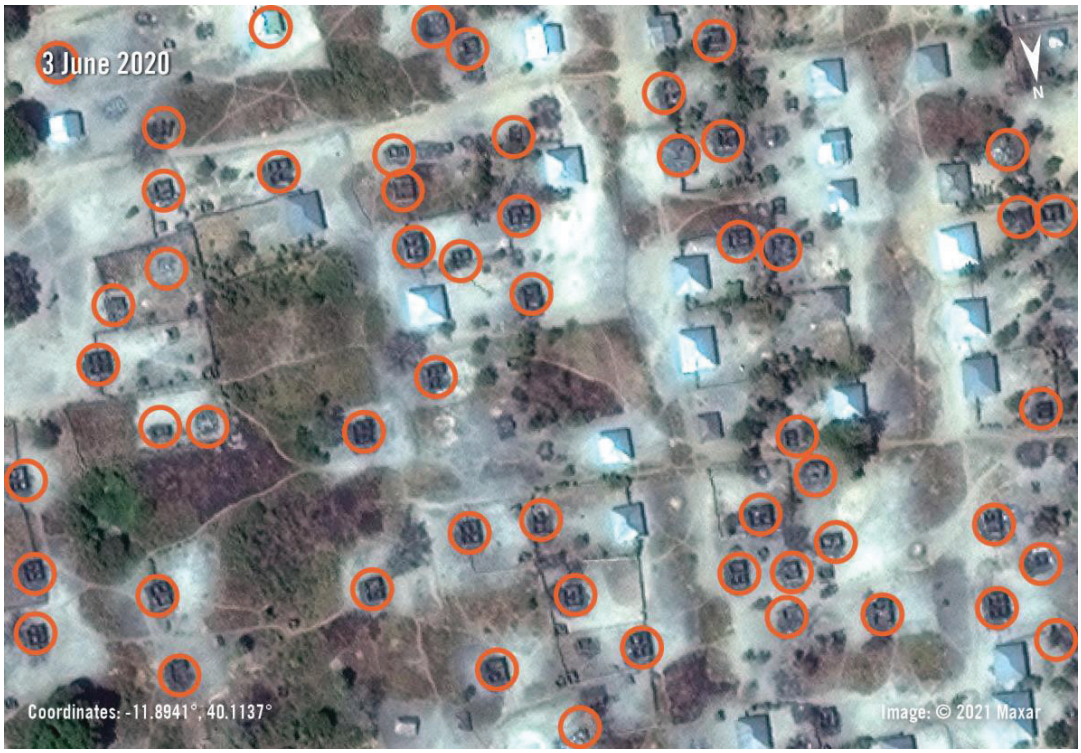
[97] Amnesty International remote interviews, 7 October 2020 and 15 October 2020.
[98] Amnesty International remote interview, 7 October 2020.
[99] Amnesty International remote interview, 5 October 2020.
[100] Amnesty International remote interview, 5 October 2020.
[101] Amnesty International remote interviews, 3 October 2020, 5 October 2020 and 14 October 2020.
[102] Amnesty International remote interview, 5 October 2020.
[103] Amnesty International remote interview, 14 October 2020.
[104] Amnesty International remote interview, 15 October 2020.
[105] Amnesty International remote interview, 14 October 2020.



An overview of Litamanda, Mozambique shows much of the village was destroyed by fire. Imagery from 3 June 2020 was analysed, showing 790 structures were visibly destroyed.



A closer look at Litamanda shows an example of extent of the destruction of structures – circled in orange – visible in imagery from 3 June 2020.

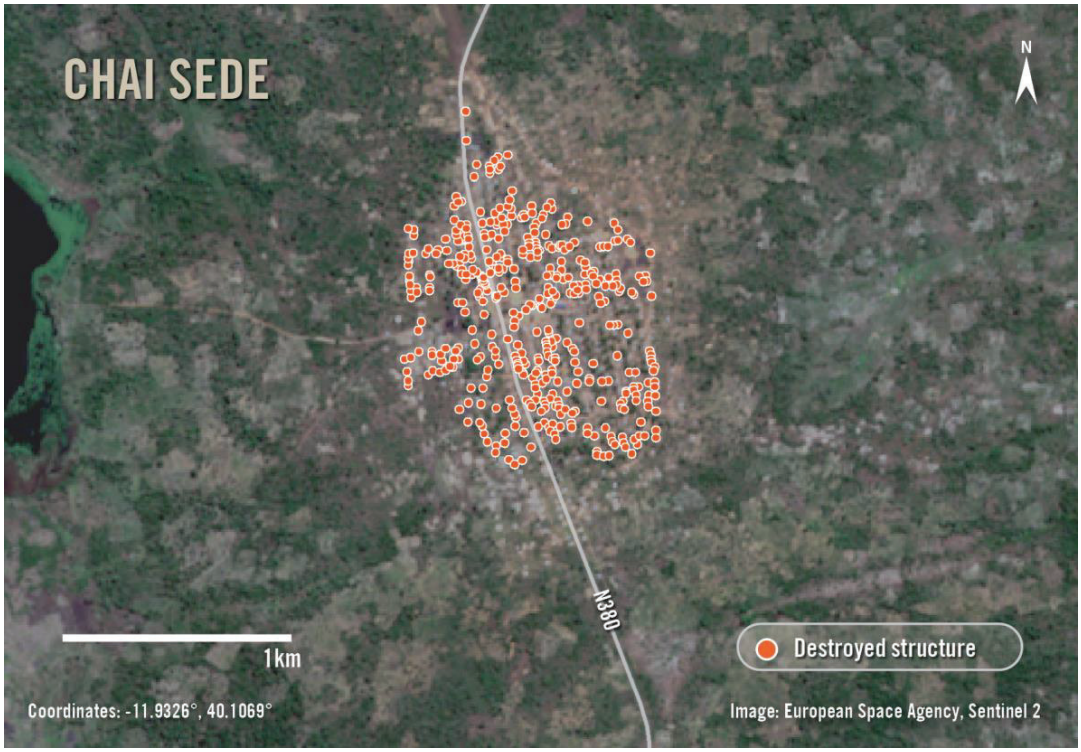
Returning civilians also found decapitated bodies scattered throughout the village, in streets and open areas, and saw that some of the people killed by Al-Shabaab were teenage children. "We went back after a week and we saw it. That's how we confirmed what happened by the bandits, who did kill these people. The boys were beheaded and rotting," said the 52-year-old grandmother.[106]

Others died in their homes, their charred bodies discovered by residents. While the corpses had not been decapitated, the exact cause of death was not apparent because of the blackened and decomposed state of the bodies. These people may have burned to death because they could not flee, or were killed by gunfire from helicopters or ground forces during the fighting and then their bodies burned later as their homes were torched.

Eighteen residents confirmed the names of four of the people who died this way, left behind in their homes which burned in the course of the attack: two women named Diaquicha and Diali Papaia, and two men named Armando Darepa and Panecheba.[107] Another woman with limited mobility, named Regina Mocheca, died when she fell into a hole while trying to escape.[108] All five were more than 70 years old and elders of their community. They were unable to flee when the attack started, and lacked family members able to help them escape. For example, Armando Darepa was not able to stand, and relied on people to carry him around the village.

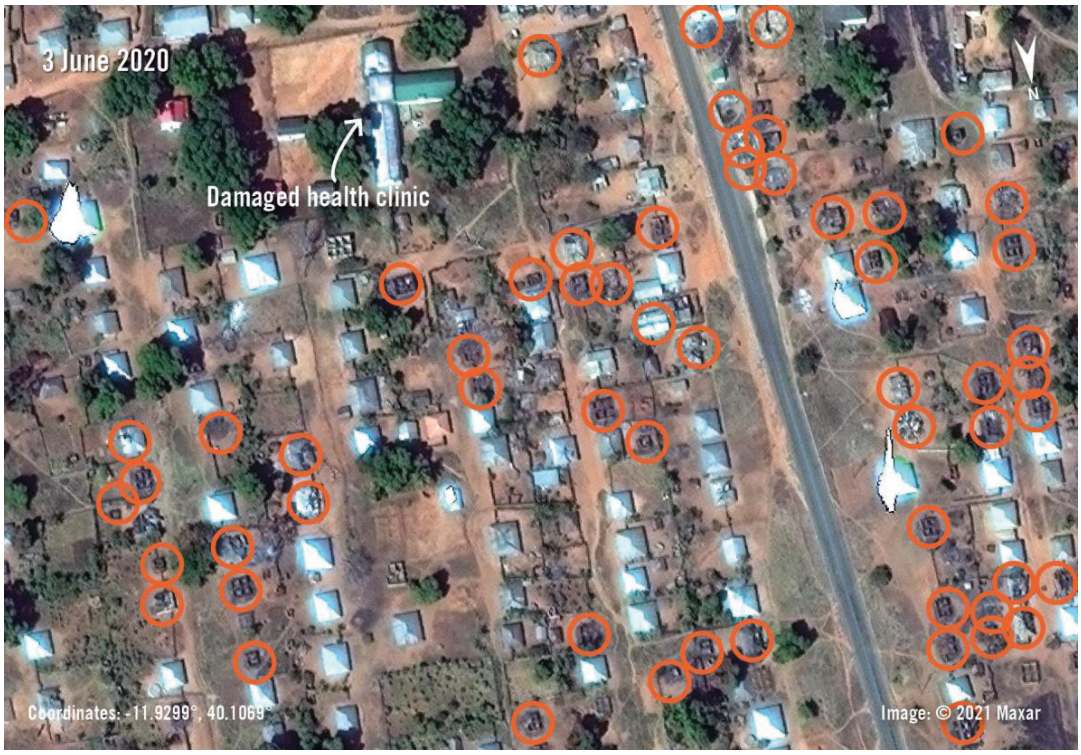
Similar events also occurred in Chai Sede and in the town of Macomia on the same day. In Chai Sede, former residents report that Al-Shabaab fighters attacked civilians with rifles and burned their homes, while DAG helicopters responded with gunfire and dropped grenades. "We could hear bombs," said a mother of five. "We could see the machine guns in the open doors of the helicopters. I know three people who died, two were shot and one starved in the forest. All women. They couldn't run because they were elders."[109]

Satellite imagery of Chai Sede also shows widespread destruction, 439 structures burned to the ground, a majority of the village.



An overview of Chai Sede, Mozambique shows much of the village was destroyed by fire. Imagery from 3 June 2020 was analysed showing 439 structures were visibly destroyed.

[106] Amnesty International remote interview, 5 October 2020.
[107] Amnesty International remote interview, 5 October 2020, 7 October 2020, 14 October 2020 and 15 October 2020. While additional people may have died this way, Amnesty International was unable to ascertain their names.
[108] Amnesty International remote interview, 15 October 2020.
[109] Amnesty International remote interview, 15 October 2020.



A closer look at Chai Sede shows many structures – circled in orange – have been destroyed including a large health clinic in the centre of town.

The largest community to be hit that day was the town of Macomia. The attack by Al-Shabaab began when it was still dark, and witnesses said it was well-coordinated, like the fighters came from everywhere at once. "Some insurgents came from Mucojo on foot," said a 78-year-old man, who had lived his whole life in Macomia until being displaced to Pemba. "Some insurgents came from the direction of Pemba on foot; others came by cars and motorcycles from the direction of Miangalewa or Chai. The insurgents were everywhere driving up and down with motorcycles. They were the lords of the town."[110]

One man, a leader in the town, said in the days before the attack he had heard that Al-Shabaab forces were getting closer to Macomia, and he and other wealthier residents got ready to leave. "The night before the attack, we were told the situation was not good, an attack could happen, so we prepared. Some left the night before. Others fled in the morning."[111] However, despite this warning, FADM soldiers ran after only a brief struggle. "They attack soldiers in Macomia and that's when everyone runs," said a 29-year-old man with three children. "They killed the soldiers. At the official base the soldiers were surprised and killed."[112] Other residents said they saw soldiers running away. "A considerable number of soldiers left behind their weapon and uniform, because they ran away with us. We also found a pair of uniforms and boots and a Kalashnikov belonging to Mozambique soldiers. [After the fighting], we found them in the toilet, in the Napulubu neighbourhood, and we delivered them to the police station."[113]

Left unopposed in the city, the Al-Shabaab fighters began to kill civilians using their rifles and machetes. The 78-year-old man, who had recently fled, said he saw them shoot two people and behead two others, whom he later buried. "The insurgents do not bury their victims. They kill them and leave them scattered there."[114]

DAG helicopters arrived to engage the Al-Shabaab fighters on the ground, even as civilians tried to flee or take cover in their homes. "There were three helicopters and one small aircraft," said a woman who witnessed the fighting. She explained:

> **The three helicopters were shooting and the small aircraft was circling. The helicopters cut a guy's head with a bullet but he wasn't dead [right away]. The people ran into their houses and helicopters**

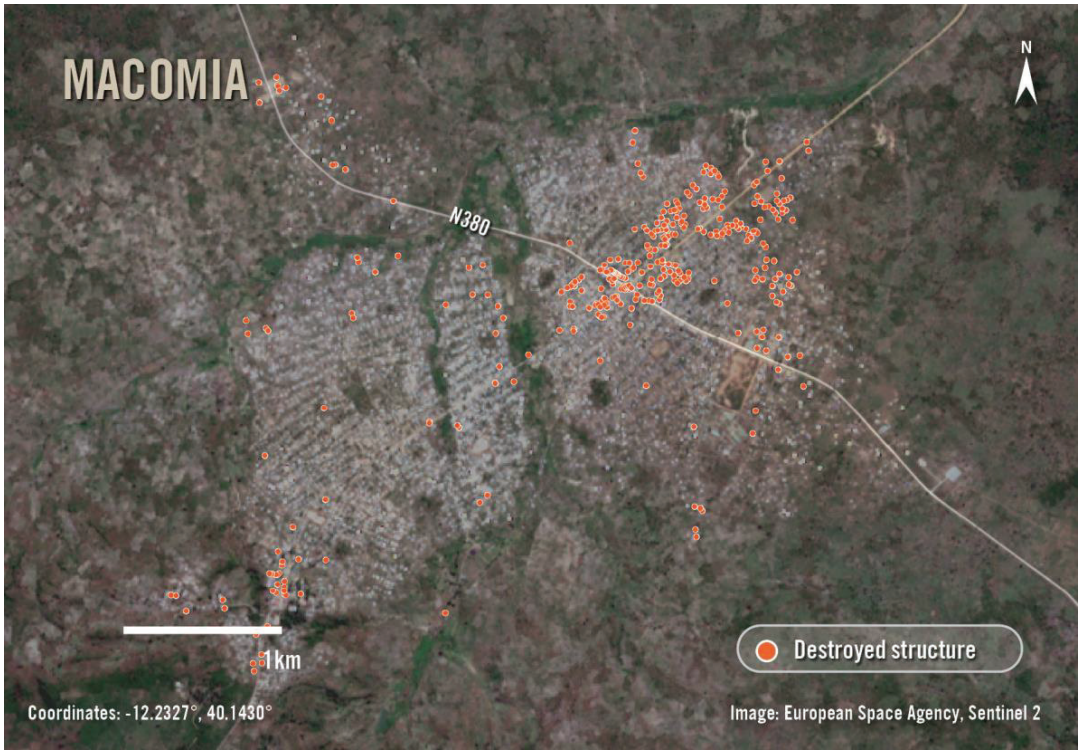
[110] Amnesty International remote interview, 14 October 2020.
[111] Amnesty International remote interview, 16 October 2020.
[112] Amnesty International remote interview, 16 October 2020.
[113] Amnesty International remote interview, 16 October 2020.
[114] Amnesty International remote interview, 14 October 2020.

were shooting over their heads. Helicopters also destroyed houses. The bandits started to run into houses, and the pilots had no other way to separate people and bandits.[115]

Another man witnessed the helicopters attack a group made up entirely of civilians. "The helicopter was shooting at some people who were at the cemetery, and the helicopter shot against them but they were civilians. No one died but several were wounded, and they ran away to forest. They were only civilians, mainly people living in that neighbourhood."[116]

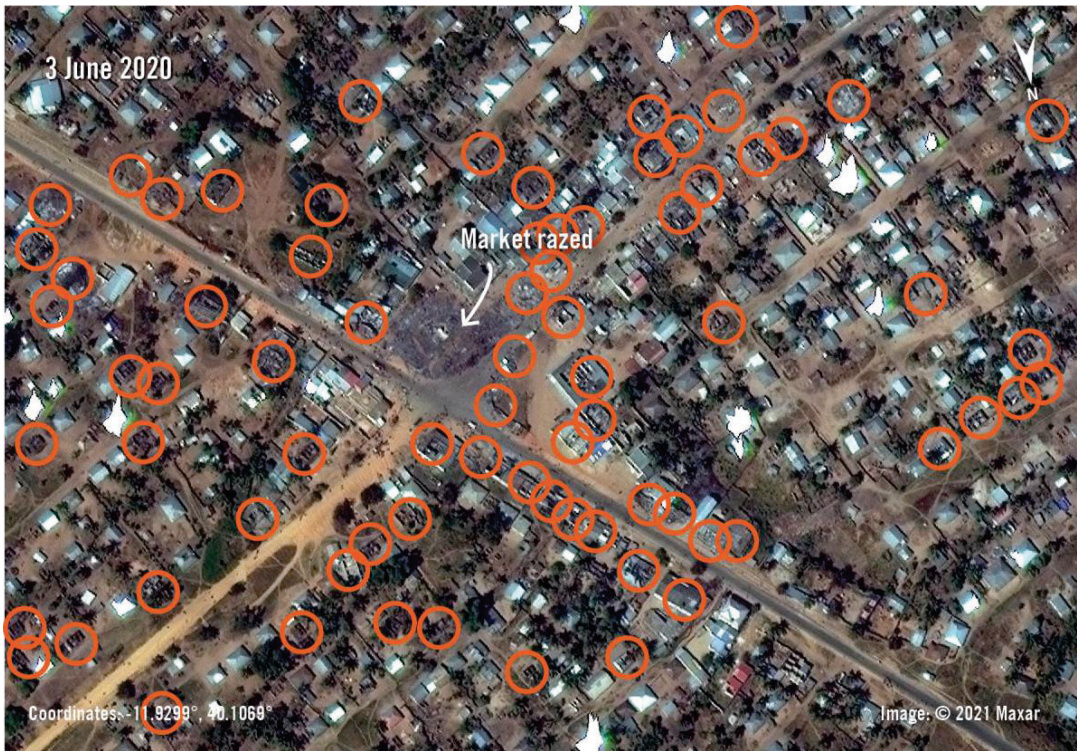
Firing indiscriminately into crowds, or into civilian infrastructure, and failing to distinguish between military and civilian targets, violates international humanitarian law.

The fighting caused widespread damage to Macomia; 377 structures were burned, including the central market and the healthcare centre operated by Médecins sans frontières (MSF), which was forced to close.[117]



An overview of Macomia, Mozambique shows heavy destruction. Much of the damage was found in the centre of town along the main roads. Imagery from 3 June 2020 was analysed showing 377 structures were visibly destroyed. Many more structures were likely damaged but the density and higher prevalence of metal roof structures hinders damage identification.

[115] Amnesty International remote interview, 15 October 2020.
[116] Amnesty International remote interview, 16 October 2020. The cemetery is just west of Macomia, at approx. -12.256126, 40.123202.
[117] "Thousands displaced, healthcare jeopardized, as violence surges in Cabo Delgado," *Médecins sans frontières*, 5 June 2020. Retrieved on 28 December 2020 from https://www.msf.org/thousands-displaced-violence-surges-cabo-delgado-mozambique



On 3 June 2020, imagery shows damage of structures – highlighted with orange circles – at the intersection of the two main roads in Macomia. The market, located on the southeast corner, was completely razed.

"When we went back to town we saw complete destruction," said the man who was a community leader. "Houses destroyed. Schools, hospitals, government buildings, all infrastructure destroyed… The schools are closed in Macomia. The schools are closed because of COVID and war."[118]

One woman, a mother of seven sons, fled into the bush during the attack, and upon returning, saw a similar large civilian death toll:

> **My uncle was beheaded and chopped. Near the market at the junction, the bodies of many people were left beheaded and chopped. There were many people. The [body] parts were eaten by dogs. So I don't know how many people died. I collected my small things and left for Pemba.[119]**

3.3 MOCÍMBOA DA PRAIA

The coastal town of Mocímboa da Praia has been the target of major attacks by Al-Shabaab on several occasions, including in October 2017, March 2020, and August 2020, since which it has held the area. Before it captured the town in August, the most significant attack by Al-Shabaab occurred in June 2020.

Al-Shabaab fighters attacked very early in the morning of 27 June 2020.[120] In the battle that followed, civilians were killed by both Al-Shabaab and DAG operatives flying helicopter gunships; thousands were displaced from their homes, and large portions of the town were destroyed. Amnesty International spoke to 19 former residents who witnessed the fighting and were subsequently displaced to Pemba. While they described dozens of dead, the total number of civilians killed during the attack is unclear.[121]

At about 4:00 am, residents of Mocímboa heard individual gunshots from the edge of town; several witnesses would later speculate that these were signals between Al-Shabaab units, coordinating the forces

[118] Amnesty International remote interview, 16 October 2020.
[119] Amnesty International remote interview, 15 October 2020.
[120] Reuters, "Insurgents stage 'very violent' attack close to gas projects in Mozambique," 27 June 2020. Retrieved on 16 January 2021 from: https://www.reuters.com/article/us-mozambique-insurgency/insurgents-stage-very-violent-attack-close-to-gas-projects-in-mozambique-idUSKBN23Y0OU
[121] ACLED, "Cabo Ligado Weekly," 30 June 2020. Retrieved on 16 January 2021 from: https://acleddata.com/2020/06/30/cabo-ligado-weekly-22-28-june-2020/

that were in place on multiple fronts surrounding the community, and communicating that it was time to attack.[122] When the Al-Shabaab fighters attacked, they set fire to homes, destroyed government infrastructure, killed civilians with firearms and machetes, and abducted people, including, according to one witness, girls as young as seven years old.[123]

"[Al-Shabaab] did everything they wanted to do, they killed people they did not like, and burned down the houses of those people. Many of the bandits were from Mocímboa, they knew people who they did not like, they beheaded and chopped those people," said a young pregnant woman.[124] Residents stressed that many of the fighters were former residents of the town, they knew specific buildings they wished to destroy, and specific people they wanted to kill (those deemed to support police or the government). This led some residents to conclude that some of the abductions of children by Al-Shabaab were done as a message to targeted parents to comply with orders from the group.[125]

Not all of the violence was strictly premeditated, however. Another man reported that five of his cousins (three men and two women, all siblings, aged between 20 and 35 years old) were beheaded when they tried to stop Al-Shabaab fighters from abducting their 19-year-old sister, the youngest of the family.[126] The man knew how his cousins had died because some time later he would bury their putrefied remains in the yard of his home.

In the face of the Al-Shabaab attack, many residents tried to flee. Some of those who had cars drove away, and witnessed people escaping along the roads, some carrying mattresses and other goods from their homes.[127] Other residents fled into the bush and the mangroves on the coast, or got into boats to try to go to nearby islands, such as Muichanga.[128]

Seven witnesses said that large numbers of FADM soldiers stripped off their uniforms, hid their weapons, and joined the fleeing civilians, attempting to blend in with the crowd.[129] "The soldiers took off their uniforms and asked for scarves to cover themselves. They ran away with us," said a 55-year-old man.[130] One woman saw soldiers hiding next to her. "Some removed uniforms and ran away with us, hiding in the water pipeline that was under construction, and they survived," she said.[131] Another woman watched Al-Shabaab enter the city unopposed. "When they did seize Mocímboa, no soldier was there," she said.[132]

Not all the FADM soldiers ran away, however, and as fighting grew more intense on the streets of Mocímboa, many civilians became trapped in the city and looked for places to hide. "It was like we were inside a cage," said a 50-year-old woman, who has eight grandchildren. "The terrorists were in every corner of the village."[133] Many residents took cover in their homes, while others grouped in shelters near the airport, the International Commercial Bank (BCI), and the hospital. Eventually, some FADM soldiers, who had initially fought back, took off their uniforms and joined civilians hiding at the BCI bank.[134] This bank would not last as a refuge; one man, who fled to a nearby island during the fighting and then later returned, said he found "it was difficult to count all the bodies, many were in front of BCI, the Mozambique bank."[135]

One woman barricaded in her house watched the Al-Shabaab fighters go up and down the street, killing civilians. Five witnesses said they were trapped in their homes for over three days, and only left once they had run out of food.[136] Several civilians were killed by gunfire when they stepped out of their homes and attempted to run down the street and scavenge food from abandoned stores.[137]

After a few hours of fighting, DAG aircraft arrived from Pemba, to counter-attack against Al-Shabaab fighters. The first to arrive was a fixed-wing airplane, likely conducting reconnaissance.[138] It was quickly joined by three helicopters, a black Gazelle, a red Bell 206 Long Ranger, and, likely, the light green Alouette.[139]

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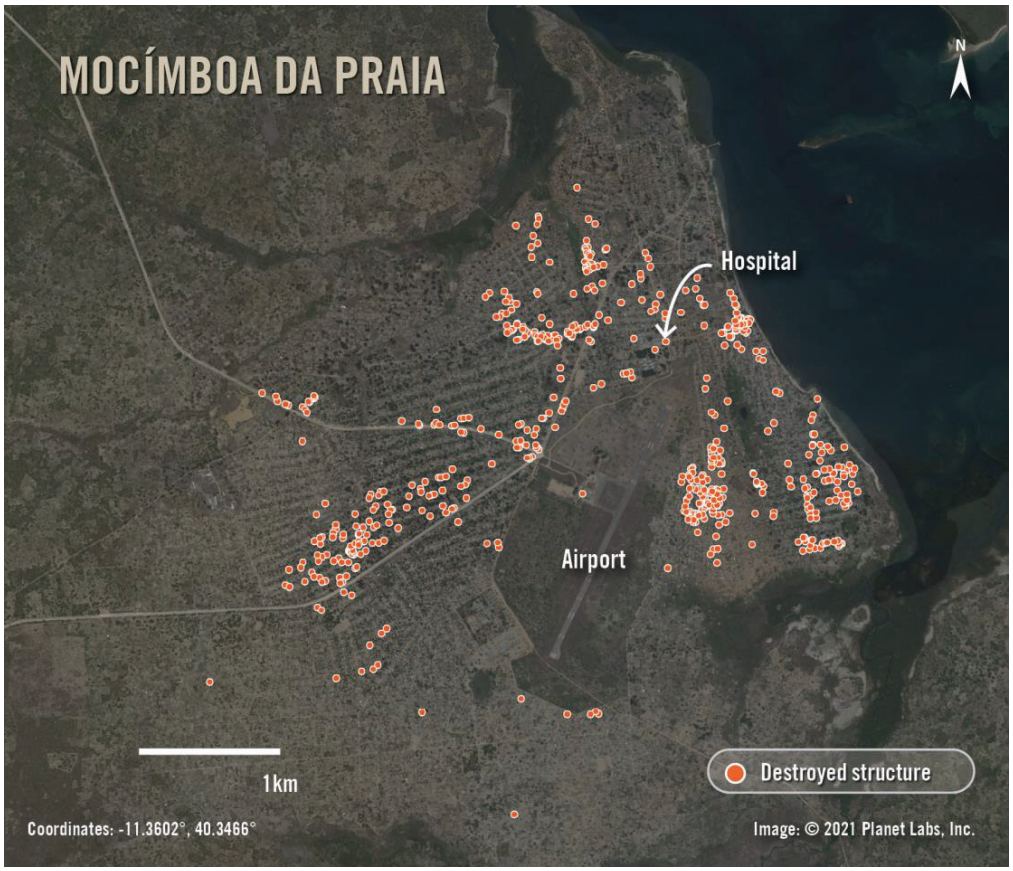
[122] Amnesty International remote interviews, 12 October 2020, 9 December 2020 and 10 December 2020.
[123] Amnesty International remote interviews, 6 October 2020, 12 October 2020 and 11 December 2020.
[124] Amnesty International remote interview, 5 October 2020.
[125] Amnesty International remote interviews, 5 October 2020 and 12 October 2020.
[126] Amnesty International remote interview, 11 December 2020.
[127] Amnesty International remote interviews, 12 October 2020 and 10 December 2020.
[128] Amnesty International remote interviews, 5 October 2020, 6 October 2020, 12 October 2020, 9 December 2020 and 11 December 2020.
[129] Amnesty International remote interviews, 7 October 2020, 12 October 2020, 9 December 2020 and 10 December 2020.
[130] Amnesty International remote interview, 10 December 2020.
[131] Amnesty International remote interview, 9 December 2020.
[132] Amnesty International remote interview, 9 December 2020.
[133] Amnesty International remote interview, 9 December 2020.
[134] Amnesty International remote interview, 9 December 2020.
[135] Amnesty International remote interview, 9 December 2020.
[136] Amnesty International remote interviews, 5 October 2020, 7 October 2020, 12 October 2020, 9 December 2020 and 11 December 2020.
[137] Amnesty International remote interview, 9 December 2020.
[138] Amnesty International remote interviews, 6 October 2020 and 9 December 2020.
[139] Amnesty International remote interviews, 6 October 2020 and 9 December 2020.

When the helicopters appeared, the Al-Shabaab fighters took cover in solid masonry structures, such as the hospital and government buildings.[140] Other fighters climbed trees and hid on the top of the water tank. But the fighters also entered the thatch-and-sheet-metal homes of residents, who were still trapped inside. Witnesses said that once the helicopters arrived, many Al-Shabaab tried to put on complete FADM uniforms or only civilian clothes, to make it less obvious they were militants and avoid being targeted from the air.[141]

Soon there was a gun battle between the Al-Shabaab fighters on the ground, bunkered in homes and the hospital, and the DAG helicopters, using their mounted machine guns and grenades dropped from the open doors.[142] "Many people died when they were hiding in houses and the helicopters bombed their houses," said one witness, who could see the aircraft from his hiding place in the forest, but not the specific kinds of ordnance being dropped. "The only people who see the bombs are the ones in their house that die."[143] Amnesty International was not able to determine the number of civilians who died this way. Dropping unguided ordnance from moving aircraft constitutes an indiscriminate attack, as there is no way to distinguish between civilian objects and military objectives, and properly target the latter.

The helicopters attacked the hospital and other civilian infrastructure, causing significant damage to the healthcare facility and other civilian structures, and starting a grass fire at the airport.[144] One woman, trapped for six days inside her home near the hospital, said, "The bandits decided to hide inside in hospital. But before that the helicopters shot against everything and everyone. For them it was no longer possible to know who was who. The majority of terrorists were in the hospital, thinking the helicopters could not attack. But one helicopter did realize this, so they decide to bombard the hospital, that's how the hospital is completely destroyed."[145] Analysis of satellite imagery shows damage to 592 structures, including the central hospital.



An overview of Mocimboa da Praia shows the destroyed structures since March 2020 based on imagery analysed from 31 July 2020. Across the city, 592 structures were visibly destroyed though it is likely more structures suffered damage and it is not apparent in satellite imagery.

[140] Amnesty International remote interview, 9 December 2020.
[141] Amnesty International remote interviews, 5 October 2020 and 12 October 2020.
[142] Amnesty International remote interviews, 12 October 2020, 9 December 2020 and 11 December 2020.
[143] Amnesty International remote interview, 6 October 2020.
[144] Amnesty International remote interview, 9 December 2020.
[145] Amnesty International remote interview, 5 October 2020.

Imagery from 31 July 2020, shows the western side of the city. The damage appears less dense than in Litamanda, Quissanga, Chai Sede or Macomia.

Imagery from 31 July 2020, shows the destroyed hospital north of the airport.

Another young woman, a mother of four, was shot in the foot while taking cover in her home directly adjacent to the hospital. She could hear Al-Shabaab fighters shooting into the sky. As she described the scene: "I could hear the sound of helicopter coming, they were shooting. So I run inside the house to hide. The aircraft was shooting to everywhere, to everything. Some of the houses were destroyed by the bullets and some by the bombs," she said.[146] When one helicopter strafed her house, a bullet tore through the wall and hit her ankle. She was not able to seek medical attention for several days, as she and 15 members of her family were trapped in the house until the shooting stopped.

[146] Amnesty International remote interview, 7 October 2020.

Amnesty International viewed still-healing wounds on her ankle, reviewed her hospital records which confirmed the type and date of her injury, and analysed the bullet that was removed from her ankle. An outside ballistics expert confirmed it was a 7.62x54mm round, commonly fired by PKM machine guns. The thin lands-and-groves on the bullet indicate that it was fired from an older weapon, a barrel that had been "shot out." This matches the type of weapon carried by both Al-Shabaab and those mounted on the Dyck helicopters, which have been reported to Amnesty International to be older and in bad repair. It is plausible, therefore, that the woman was injured by fire from the helicopters as she claims.

The DAG helicopters also shot into the surrounding forest outside of Mocímboa, which the Al-Shabaab fighters use to conceal their movements. However, civilians were also hiding in the forest, and mixed in with Al-Shabaab fighters were civilians they had abducted.

Sheik Sulemani Mbone was an older man, the imam of a large mosque, and in poor health, as he had had a stroke that immobilized an arm and leg.[147] According to eight witnesses, on the day of the attack he was taken by Al-Shabaab fighters into the bush; they wanted an imam to lead their prayers.[148] Voice of America also reported that a religious leader was abducted during the attack on Mocímboa da Praia.[149]

According to members of the imam's family, Sheik Sulemani was later shot and killed by a helicopter that was engaging targets in the surrounding forest.[150] The imam was mixed in with Al-Shabaab fighters, who were the assumed target of the DAG attack. This attack may have failed to properly distinguish between civilians and military personnel, indicating feasible precautions were not taken to verify whether civilians were present among fighters.

[147] Amnesty International remote interview, 9 December 2020.
[148] Amnesty International remote interviews, 12 October 2020, 9 December 2020 and 11 December 2020.
[149] Andre Baptista, "Rebeldes raptam em Mocímboa da Praia enquanto dissidentes da Renamo matam no centro de Mocambique," *Voice of America,* 28 June 2020. Retrieved on 31 December 2020 from https://www.voaportugues.com/a/rebeldes-raptam-em-moc%C3%ADmboa-da-praia-enquanto-dissidentes-da-renamo-matam-no-centro-de-mo%C3%A7ambique/5480575.html
[150] Amnesty International remote interview, 12 October 2020.

4. INTERNAL DISPLACEMENT

Arrival of IDPs at Paquitequete beach, Pemba City, in December 2020 © Estacio Valoi

The conflict has had a devastating impact on the civilian population, and the scale of internal displacement and humanitarian need is staggering. The UN estimates that more than 530,000 people are displaced within Cabo Delgado, over one quarter of the province's total population.[151] According to UNICEF, approximately 250,000 of the displaced are children.[152]

[151] Tavares Cebola and Philip Kleinfeld, "Mozambique's Cabo Delgado: Militants advance as aid access shrinks," *The New Humanitarian,* 21 December 2020. Retrieved on 28 December 2020 from https://www.thenewhumanitarian.org/news-feature/2020/12/21/Mozambique-Cabo-Delgado-displacement-mass-killings. Babar Baloch, "More than 530,000 displaced in Mozambique's conflict-torn north," *UNHCR,* 18 December 2020. Retrieved on 28 December 2020 from https://www.unhcr.org/news/briefing/2020/12/5fdc6bc84/500000-displaced-mozambiques-conflict-torn-north.html

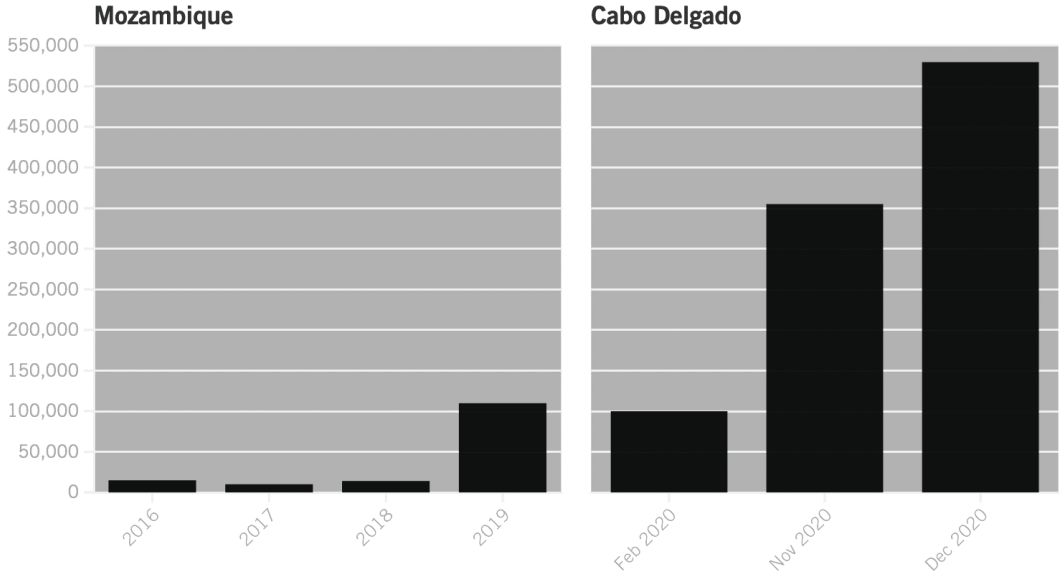
[152] UNICEF, "Mozambique: Malnutrition and deadly diseases threaten 250,000 displaced children in Cabo Delgado province as the rainy season starts," 22 December 2020. Retrieved on 2 January 2021 from: https://www.unicef.org/press-releases/mozambique-malnutrition-and-deadly-diseases-threaten-250000-displaced-children-cabo

The northern port town of Mocímboa da Praia has been particularly hard hit. Before the most recent fighting in 2020, Mocímboa da Praia was a district of well over 100,000 people. Al-Shabaab seized the area in August 2020, and now a majority of the civilians who once lived there have fled.[153]

"In Mocímboa everything is destroyed," said one woman, a former resident. "Banks, hospitals. Our house. Everything destroyed. If anyone says something is there, they are lying. Many deaths happened. I only managed to come with my husband and children. My other family members, I don't know where they are."[154]

Civilians who have been displaced from the north and along the coast have generally moved south and inland.[155] However, many of the locations to which people have moved are still conflict zones, and inaccessible to humanitarian organizations.[156] Pemba and its surrounding areas, such as the nearby town of Metuge on the other side of the bay, have swelled with internally displaced people. Rather than move into tent camps, the displaced people have instead largely moved into existing homes, either renting buildings or staying with their extended families. Often, as many as 30 or 40 people are crowded into a single-family dwelling.

A GROWING DISPLACEMENT CRISIS IN CABO DELGADO
Total number of internally displaced persons (IDPs)



Source: United Nations High Commissioner for Refugees

Displaced people face difficulties satisfying their most basic needs. "Here in Pemba we have serious food issues," said the matriarch of one family, who was living with 16 relatives in a one-room home. She continued:

> **We don't have enough food to eat. We also have housing problem – there isn't enough space for all of us. We eat in the morning and in the evening but very small portions because it's not enough. We eat matapa, moringa, cassava leaves, anything we can swallow; sometimes our neighbours give us something, but it's not enough. Back in Litamanda we live better lives because we had our own farmland where we grew our own food – rice, corn, cassava, fish, bananas and many vegetables. But here in Pemba we have nothing. What we need the most here is food and housing. We need cooking pots, we need clothes, and need work.[157]**

[153] "IntelBrief: Islamic State Fighters in Mozambique Demonstrate Increased Resilience," *The Soufan Center,* 23 September 2020. Retrieved on 28 Dec 20 from https://thesoufancenter.org/intelbrief-islamic-state-fighters-in-mozambique-demonstrate-increasing-resilience/
[154] Amnesty International remote interview, 12 October 2020.
[155] Paolo Israel, "Al-Shabaab's terror in Mozambique," *Mail & Guardian,* 30 November 2020. Retrieved on 2 January 2021 from: https://mg.co.za/africa/2020-11-30-al-shababs-terror-in-mozambique/
[156] IOM, "Civilian Continue to Flee Insecurity in Cabo Delgado, Mozambique," 17 November 2020. Retrieved on 2 January 2021 from: https://www.iom.int/news/civilians-continue-flee-insecurity-cabo-delgado-mozambique
[157] Amnesty International remote interview, 14 October 2020.

As the conflict intensifies, and the scale of the displacement accelerates, a sense of frustration and anger is growing among many people who have been forced from their homes. As one woman with two children from Mocímboa da Praia said, "In your report, write anything you want to write, but tell the people in charge to fix this so we can go home. I want to go home."[158]

[158] Amnesty International remote interview, 11 December 2020.

5. INTERNATIONAL LAW

INTERNATIONAL HUMANITARIAN LAW

The parties to the armed conflict in Mozambique are bound by international humanitarian law, also known as the laws of war, which regulates the conduct of hostilities and provides fundamental guarantees for civilians and captured or wounded fighters. The rules relevant to the violations documented in this report form part of customary international humanitarian law and are binding on all parties to the armed conflict, regardless of which treaties they have or have not ratified.

States have responsibility for all violations of international humanitarian law committed by their troops or those acting under their authority.[159] This responsibility entails the obligation on the state to ensure full reparation for losses or injuries suffered. While the question as to whether armed groups are under an obligation to make full reparation for violations of international humanitarian law is unsettled, practice indicates that such groups are required to provide a measure of appropriate reparation.[160]

One of the cardinal rules of international humanitarian law is that parties to the conflict must distinguish between "civilians and combatants," as well as between "civilian objects and military objectives" Parties are prohibited from directing attacks at civilians and civilian objects.[161] The corollary of the rule of distinction is that "indiscriminate attacks are prohibited."[162] Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.[163]

Also prohibited are disproportionate attacks, which are those "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."[164] Intentionally launching a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) and launching an indiscriminate attack resulting in loss of life or injury to civilians or damage to civilian objects constitute war crimes.[165]

International humanitarian law also provides fundamental guarantees for civilians as well as fighters who are captured, injured or otherwise rendered unable to fight (hors de combat). These rules include the requirement of humane treatment; and the prohibition of murder, of torture, cruel or inhuman treatment and outrages on personal dignity, and of rape and other forms of sexual violence.[166] Violations of these rules are war crimes.[167]

INTERNATIONAL HUMAN RIGHTS STANDARDS

Mozambique is also bound by international human rights law and standards, which continue to apply during armed conflict as well as peacetime. It is a party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACPHR), under both of which

[159] International Committee of the Red Cross, Customary International Humanitarian Law, Vol.1: Rules (ICRC Customary IHL Study), Rule 149.
[160] ICRC Customary IHL Study, Rule 150.
[161] ICRC, Customary IHL Study, Rules 1 and 7.
[162] ICRC, Customary IHL Study, Rule 11.
[163] ICRC, Customary IHL Study, Rule 12.
[164] ICRC, Customary IHL Study, Rule 14.
[165] ICRC, Customary IHL Study, Rule 156.
[166] ICRC, Customary IHL Study, Rules 87, 89, 90, and 93.
[167] ICRC, Customary IHL Study, Rule 156.

Mozambique has a legal obligation to respect, protect and fulfil the right to life and to prohibit torture and other ill-treatment.

As regards the right to life, the Human Rights Committee, the body responsible for monitoring state compliance with the ICCPR, has explained that it entails not only the state's "duty to refrain from engaging in conduct resulting in arbitrary deprivation of life." But that states "must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State."[168] This is relevant also in situations of armed conflict, where the state has a duty to protect its population from the threat to life posed by armed groups and other non-state actors. The duty to prevent arbitrary deprivation of life also requires "establishing by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases of unlawful deprivation of life, meting out punishment and providing full reparation."[169] Similarly the African Commission of Human and Peoples' Rights has explained: "The Charter imposes on States a responsibility to prevent arbitrary deprivations of life caused by its own agents, and to protect individuals and groups from such deprivations at the hands of others. It also imposes a responsibility to investigate any killings that take place, and to hold the perpetrators accountable."[170]

In addition, under the UN Convention against Torture (CAT), Mozambique is required to take necessary legislative, judicial and other measures to prevent acts of torture, including conducting prompt, impartial and independent investigations of reports of torture, and prosecuting and punishing perpetrators.

Mozambique also has ratified the Optional Protocol to CAT which obligates the government to set up a system of unannounced and unrestricted visits to all places of detention by independent national and international monitoring bodies. To date, Amnesty International is not aware of any visits by international bodies to places of detention in Cabo Delgado, in the context of the current conflict.

Mozambique has also signed and ratified the Maputo Protocol—which forbids sexual exploitation and violence against women, especially in the context of conflict and displacement[171]—and is a party to the Convention on the Right of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict. The Optional Protocol prohibits the recruitment or use in hostilities by armed groups of anyone under 18 years of age.[172]

As regards the large number of people displaced by the fighting in Cabo Delgado who are living in deprivation, the government of Mozambique's response must ensure their rights without discrimination. The UN Guiding Principles on Internal Displacement provide a framework, based on existing rights in human rights law and international humanitarian law, for ensuring the rights and dignity of the displaced. These are some of the relevant provisions: the right of the displaced to an adequate of standard of living. At a minimum, the authorities must ensure they have safe access to essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation.[173] Displaced children must have access to education.[174] And authorities must establish conditions, as well as provide the means, which allow the displaced to return voluntarily, in safety and with dignity, to their homes or to resettle voluntarily in another part of the country.[175]

LEGAL NORMS RELATING TO PRIVATE MILITARY CONTRACTORS

Colloquially, fighters who work for private military companies like DAG are often called mercenaries. But the term "mercenary" has a very specific and limited definition under international law. Article 47 of Protocol 1 of the Geneva Conventions defines a mercenary very narrowly, using a six-part rubric that considers, for example, the desire for personal gain, the pay of the soldier compared to other members of the unit, and the method of foreign recruitment.[176]

This narrow definition does not apply to many current conflict situations. Instead, today for-profit businesses increasingly provide stand-alone forces that conduct activities, such as direct combat, that traditionally have solely been the purview of state militaries. This trend runs counter to the spirit of the 2008 Montreux Document, which standardizes best practices, establishes norms for the use of PMCs, and discourages

[168] Human Rights Committee, General Comment 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, para. 7.
[169] Human Rights Committee, General Comment 36, para. 19.
[170] African Commission on Human and Peoples' Rights, General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (Article 4), 18 November 2015, para. 2.
[171] Article 11, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 11 July 2003.
[172] Article 4, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000, A/RES/54/263.
[173] UN High Commissioner for Refugees (UNHCR), Guiding Principles on Internal Displacement, 22 July 1998 E/CN.4/1998/53/Add.2, Principle 18.
[174] Guiding Principles on Internal Displacement, Principle 23.
[175] Guiding Principles on Internal Displacement, Principle 28.
[176] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Retrieved on 28 December 2020 from https://ihl-databases.icrc.org/ihl/WebART/470-750057

states from outsourcing such functions to private companies.[177] However, around the world, actions are often taken by military contractors operating without effective oversight of the state, as the PMC's combat activities are undertaken independent of traditional military units. In Mozambique, the state hired the firm but does not supervise every helicopter mission.

The use of private contractors in these circumstances can place practical obstacles to ensuring accountability for violations and crimes. However, as a matter of law, it is clear that Mozambique is responsible for violations of international humanitarian law committed by DAG, who they have hired to fight in a non-international armed conflict. As regards international criminal law, DAG employees can be held individually criminally liable for war crimes they are suspected of being responsible for. And commanders and other superiors (including civilians) are criminally responsible for war crimes committed pursuant to their orders or for failure to prevent, repress or report war crimes committed by their subordinates.[178]

In, addition there is a clear global consensus that companies have their own human rights responsibilities wherever they operate, as stated in global standards on business and human rights, such as the United Nations Guiding Principles on Business and Human Rights (UN Guiding Principles).[179] In situations of armed conflict, companies must also respect the standards of international humanitarian law,[180] and this responsibility exists both independent of a state's own human rights obligations, and over and above compliance with national laws and regulations.[181] If a company identifies that it may cause or contribute to human rights abuses, and that it cannot prevent these abuses, the only possible course of action is not to undertake the relevant activity.

States have obligations as well. The government of Mozambique is responsible for proper oversight and regulation of DAG's activities. If Mozambique learns that a company they hired is breaking international law, they have an obligation to open an impartial investigation and prosecute as appropriate.

In addition, the state within which the company is established and licensed also has an obligation to conduct proper oversight.[182] The Republic of South Africa has regulated the rendering of military services to foreign states in its Foreign Military Assistance Act, according to which such services are prohibited when contributing to human rights violations. In light of the events documented in this report, South African government should take all necessary steps to end any engagement by the DAG that is in contravention of the Foreign Military Assistance Act and prosecute contraventions.[183]

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[177] International Committee of the Red Cross, "The Montreux Document," August 2009. https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/voelkerrecht/20192511-montreux-document_EN.pdf
[178] ICRC, Customary IHL Study, Rules 152 and 153.
[179] OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework, UN Doc. HR/PUB/11/04, 2011 (UNGPs), https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf; Organization for Economic Cooperation and Development (OECD), OECD Guidelines for Multinational Enterprises, 2011 Edition, https://www.oecd.org/daf/inv/mne/48004323.pdf
[180] Commentary to Principle 12 of the UN Guiding Principles.
[181] This principle is stated explicitly in the UNGPs: "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights." UNGP 11 in commentary (emphasis added).
[182] UN Guiding Principles, Principle 1.
[183] Foreign Military Assistance Act, Paragraph 7, https://www.gov.za/sites/default/files/gcis_document/201409/a15-98.pdf

6. RECOMMENDATIONS

TO THE MOZAMBICAN GOVERNMENT

Amnesty International calls on the Mozambican government to respect and ensure respect for international humanitarian law and international human rights law, and in particular to:

- Comply with the prohibition of torture and cruel, inhuman and degrading treatment.
- Create an independent mechanism for the effective monitoring of the treatment of people deprived of their liberty, including suspected Al-Shabaab militants held in military and police custody in Cabo Delgado.
- Conduct independent, impartial, thorough, and transparent investigations into all credible allegations of torture and mistreatment of detainees, executions and the mutilation of bodies, and other serious war crimes by FADM soldiers and UIR police in Cabo Delgado.
- Similarly, conduct investigations into all credible allegations of civilian casualties resulting from attacks by DAG, including those documented in this report.
- Exercise effective oversight of all DAG activities and ensure that all contracts with PMCs include provisions for strict compliance with international humanitarian law.
- Where there is sufficient admissible evidence of crimes, bring suspected perpetrators to justice in fair trials.
- Ensure that military and police forces are given appropriate training, including training in human rights and the rules of international humanitarian law; in particular, the proper treatment of detainees.
- Provide victims of violations of international humanitarian law, and their families, access to justice and to full reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.
- Allow human rights monitors access to Cabo Delgado.
- Facilitate increased humanitarian access to Cabo Delgado, and ensure all displaced persons are not deprived of their rights, such as adequate housing and education for children.
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa and revise domestic laws to bring them in line with the protocol's obligations.
- Ratify the Rome Statute of the International Criminal Court.

TO THE SOUTH AFRICAN GOVERNMENT

Amnesty International calls on the South African government to fulfil its obligations under the UN Guiding Principles on Business and Human Rights to ensure that businesses domiciled in South Africa and operating in conflict-affected areas are respecting human rights and address the conflict-related heightened risks of human rights abuse. South Africa should determine whether, as a PMC incorporated under South African law, DAG is fully complying with South Africa's domestic law, including the Foreign Military Assistance Act. In case DAG is determined to have failed to comply, make use of enforcement tools available under South African law and ensure access to remedy for victims.

TO THE SOUTHERN AFRICA DEVELOPMENT COMMUNITY (SADC)

Amnesty International calls on the SADC, including the Double Troika and Organ on Defence, Politics, and Security, to assist the government of Mozambique in responding to this crisis, while also ensuring that all such efforts respect the human rights of the people of Cabo Delgado. In particular, the SADC must:

- Launch a prompt and impartial investigation into torture and other grave violations committed by security forces in Cabo Delgado and where there is sufficient evidence, ensure there is justice though fair trials.
- Work with the government of Mozambique to allow human rights monitors and humanitarian agencies increased access to Cabo Delgado.

TO THE ARMED GROUP KNOWN AS AL-SHABAAB

Amnesty International calls on Al-Shabaab to comply fully with their obligations under international humanitarian law, in particular to:

- Immediately cease all attacks on civilians, unlawful killings, rapes, and burning of homes and other civilian objects, and other serious violations of IHL.
- Allow humanitarian actors safe and unfettered access to provide impartial relief and assistance, including food aid and medical care to civilians in need in areas under Al-Shabaab control.
- Cooperate with investigators into alleged violations of IHL, including allowing journalists and human rights researchers safe and unfettered access to areas under Al-Shabaab control.
- Make clear that violations of international humanitarian law will not be tolerated.
- Immediately renounce and cease abductions as well as any use and recruitment, by force or otherwise, of children as defined under international law, meaning under age 18.
- Release all those who have been abducted, including those taken as boys and girls, in cooperation with the UN and other international organizations. Ensure, in general, that anyone wishing to leave areas under the group's control can do so, without fear of punishment by the group.

TO DYCK ADVISORY GROUP

Amnesty International calls on the private company Dyck Advisory Group (referred to throughout this report as DAG) to comply fully with the UN Guiding Principles on Business and Human Rights, including by fulfilling its responsibilities to respect both human rights and international humanitarian law. In particular, the company should:

- Cease all military activities in which there is a grave risk that DAG operatives will fail to differentiate between civilian and military targets, such as indiscriminately firing machine guns and dropping hand grenades into populated areas from aircraft.
- Urgently conduct human rights due diligence risk assessments of all aspects of its operations in Cabo Delgado, and cease those operations if it cannot prevent or mitigate actual or potential abuses.
- Provide or cooperate in the remediation of any abuse that it has caused or contributed to.

TO THE UNITED NATIONS

- The UN country team should actively document and verify cases of grave violations against children, including killings and abductions, and provide this information to the Special Representative to the Secretary-General for Children and Armed Conflict. The Special Representative should also actively request this information.
- The UN Secretary-General should closely monitor the situation in Mozambique and consider including the conflict as a situation of concern in his annual report to the UN Security Council on children and armed conflict, particularly if grave violations against children continue in 2021.
- The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC) should address crimes against women and girls, including abductions and physical, sexual and emotional violence, and ensure that those responsible are brought to justice.

TO THE AFRICAN UNION

- The AU Peace and Security Council should urgently hold a session on the situation in Mozambique to formulate measures to assist the government of Mozambique and the SADC to put a stop to continued violations of international human rights and humanitarian law.
- The African Commission on Human and Peoples' Rights' Focal Point for Human Rights and Conflict Situations in Africa, the African Committee of Experts on the Rights and Welfare of the Child's Special Rapporteur on Children and Armed Conflict, and the AU Special Envoy on Women, Peace and

Security should issue a joint statement on violations of international humanitarian law and international human rights law in Cabo Delgado, and if these violations persist, consider undertaking a joint fact-finding mission there.

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

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“WHAT I SAW IS DEATH”

WAR CRIMES IN MOZAMBIQUE’S FORGOTTEN CAPE

After suffering decades of under-investment, government negligence, and crushing poverty, the province of Cabo Delgado, the poorest in Mozambique, is now the site of a raging insurgency. Over 1,300 civilians have been killed; another 500,000 have been displaced, and towns and villages have been left in ruins. Fighting has intensified since an armed group locally known as Al-Shabaab attacked the northern port town of Mocímboa da Praia in October 2017. In a series of attacks, Al-Shabaab has killed civilians and burned their homes; the security forces of Mozambique have abused the very people they are meant to protect, and the Dyck Advisory Group, the private military company hired as a quick reaction force, has fired machine guns and dropped grenades indiscriminately from their helicopters.

The people of Cabo Delgado are caught between three forces, and the result is a massive humanitarian crisis.

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