



Mozambique

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Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in December 1999. President Chissano was reelected, and his party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, with the remaining 117 seats going to the opposition coalition of the Mozambique National Resistance--Electoral Union (RENAMO-UE). According to international observers, the elections were generally free and fair; however, they were marred by allegations of vote-counting irregularities. Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provides increasingly useful debate on national policy issues and generates some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. Opposition parties in the Assembly boycotted most parliamentary activities during most of the year to protest the election results; however, they resumed full participation in October. Despite the boycott and the contentious atmosphere in the Assembly, the FRELIMO majority accepted several proposals from opposition parties, including one that established ad hoc commissions to revise the electoral law and aspects of the Constitution. The Constitution provides for an independent judiciary; however, the executive branch dominates the judiciary, which lacks adequate resources, and is chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: the Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Reaction Police (PIR). The State Information and Security Service (SISE) reports directly to the President. The military continued to suffer from a lack of money and long term strategy. Many former military personnel of all ranks work in other government security forces. Members of the security forces committed numerous serious human rights abuses.

Mozambique is a very poor country. Approximately 80 percent of the population is employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lives in poverty. The primary exports are shrimp, sugar, cotton, cashew nuts, and bulk electric power. The transition to a market economy continued during the year. The gross domestic product (GDP) continued to be approximately \$3.9 billion. Inflation was approximately 11.4 percent, an increase from the 1999 level of 6.2 percent. The economy and government budget remained heavily dependent on foreign aid. The economy had a \$848 million trade deficit, down from a \$929 million deficit in 1999. Annual per capita income was \$222. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Flooding caused by heavy rains and cyclones in February and March severely damaged crops, livestock, and rural infrastructure in the south-central portion of the country. The damage, estimated in the hundreds of millions of dollars, negatively impacted economic growth.

The Government's human rights record was generally poor. Police continued to commit numerous abuses, including extrajudicial killings, disappearances, excessive use of force, torture, and other abuses. Police officers tortured and beat persons in custody, and abused prostitutes and street children. In September the president of the League of Human Rights (LDH), a local non-governmental organization, noted that the LDH documented an overall decline in the respect of human rights by police forces during the year. Police violently dispersed demonstrations by opposition supporters. Prison conditions remained extremely harsh and life-threatening; many prisoners died due to the harsh conditions, including more than a hundred RENAMO demonstrators who suffocated to death in an overcrowded jail cell. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were not possible due to an inefficient, understaffed, and underfunded judiciary, which is dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, one journalist was killed and many others were harassed during the

year by unknown assailants. Media outlets owned by the Government and State enterprises largely reflected the views of the ruling party; however, the number and diversity of independent media increased, and their criticism of the Government, its leaders, and their families largely is tolerated. Human rights violations received extensive coverage in both government and independent media during the year. The law restricts freedom of assembly, and security forces forcibly dispersed some demonstrations during the year. Both the Government and the law imposed some limits on freedom of association. The Government, at times, infringed on freedom of movement. Domestic violence against women as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against the disabled and child labor remained problems. There were reports that women were trafficked to South Africa for forced prostitution and forced labor. Occasional mob violence resulted in several deaths.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were several unconfirmed reports of political killings by security forces; RENAMO officials claimed that security forces killed party members Eduardo Foao, Ricardo Moaine, and Geraldo Carvalho in Sofala Province in February. Police denied that the three were killed by security forces and claimed that an autopsy showed that Moaine died of natural causes. There were also reports of extrajudicial killings by security forces.

On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded \$750 for their release; the families were unable to pay the sum. When Nhacumba's family visited him that same day they witnessed police officers torturing detainees. On April 2, family members were informed that the two men had been transferred to the Criminal Investigative Unit but were unable to locate them. In April the bodies of the two men were identified by family members at the Maputo Central Hospital morgue, listed under false names. The bodies were delivered to the morgue by police officers, who attributed their deaths to natural causes despite the presence of bullet wounds in their upper torsos.

On May 5, police fired upon and reportedly killed at least six civilians at a police station during a confrontation between supporters of a jailed RENAMO member and the police (see Sections 1.c. and 2.b.).

The LDH reported a possible pattern of execution-style killings committed by uniformed police in the Marracuene area. In June police allegedly took Emidio Raul Nhancume from his family's home in Matola. The family located his body more than a month later in Marracuene, Maputo Province. Local residents stated that police shot and killed Nhancume on the day of his disappearance, and then buried his body. The Government had not investigated the incident nor taken other action by year's end. On July 5, Eliseu Geraldo Muainga disappeared after visiting his girlfriend's house. The girlfriend observed uniformed police hiding outside; she was later advised by neighbors that he was being held at a police station. She visited the facility, but the police denied that they were holding Muainga. His body was found on July 18 in Marracuene by residents of the area. The Government had not investigated the incident nor taken other action by year's end.

On August 23, soldiers of the Presidential Guard who were guarding a VIP guesthouse shot and killed an unarmed citizen who had reportedly become argumentative when told he could not walk down the street. The Government defended the soldier's actions as appropriate under existing security laws and took no action to address the incident by year's end.

On November 9, as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the December 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remains in dispute among human rights groups, the opposition, and the National Assembly. The LDH reported that police in Nampula province and the Balama district of Cabo Delgado province fired on, killed, and injured unarmed demonstrators to prevent rallies and marches. The LDH alleged that the interim police commander in Balama ordered the police under his command to kill demonstrators. In Montepuez, Cabo Delgado, there were credible reports that RENAMO demonstrators attacked a local jail, freed prisoners, ransacked government buildings, and held the local district administrator hostage. Police responded with lethal force, killing 17 persons; 7 police officers also were killed. Rioters reportedly mutilated the bodies of the police officers. On December 5, the National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the November 9 demonstrations and the subsequent deaths in custody.

In October 1999, the domestic NGO Human Rights and Development (DHD), published a critical assessment of human rights conditions (see Section 4); among the complaints were alleged police killings. The Government did not respond to the report by year's end.

Extremely harsh prison conditions and torture resulted in the deaths of many persons in custody, and in November more than 100 detainees died of asphyxiation in their cell (see Section 1.c.).

In March 1999, relatives of a detainee accused police of killing him in Beira central prison. Authorities attributed the man's death to an unspecified illness; an eyewitness testified in March that he saw police beating the victim on the way to the prison. The case was referred by the LDH to the Attorney General's office but still was pending at year's end.

There was no investigation into the 1998 death in police custody of Intipa Faque in the northern province of Nampula; nor was any action taken against the officers responsible. The LDH sent several written inquiries to the Nampula Province prosecutor regarding the case; however, they had received no answer by year's end.

The Government reportedly investigated the police killing of a demonstrator during a labor strike at a security services company in 1998; however, no report was released publicly, nor was any action taken against the officers responsible by year's end (see Section 6.a.).

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with rising crime. In Costa de Sol and Matola in the Maputo area, suspected thieves were beaten to death by mobs.

Some of the hundreds of thousands of landmines still in the ground since the 1960's caused 8 deaths during the year. The Government continued to cooperate with international organizations in demining efforts during the year.

b. Disappearance

There were no reports of politically motivated disappearances; however, police were responsible for unexplained disappearances of prisoners. In some instances persons who disappeared while in police custody were later discovered to have been killed (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits torture and cruel or inhuman treatment; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, extortion, and unexplained disappearances of some prisoners remained problems. During the year, the LDH reported 59 complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported an overall decline in the observance of human rights.

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom are widowed and divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports of police abuse of prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 1999, new standards for the police force were imposed, requiring a minimum educational level of the tenth grade. In September a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training is becoming mandatory for all security officers, with human rights groups like the DHD teaching some of the courses. The LDH discontinued its training program during the year, reportedly because of reluctant cooperation from the police.

On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. When Nhacumba's family visited him on April 1, they witnessed police officers torturing detainees (see Section 1.a.).

On May 3, police reportedly arrested a RENAMO supporter who had urged a vendor not to pay a market fee

collector in order to protest the Government's legitimacy; police forced the man to march naked through the town from his home to the local jail. On May 5, when 40 unarmed friends and family members went to the police station to gain the man's release, a police officer allegedly assaulted an elderly man in the group, which resulted in a confrontation between the crowd and police. The police responded to the confrontation by firing into the crowd, reportedly killing at least six persons and injuring several others (see Sections 1.a. and 2.b.). The Government defended the actions by the police as appropriate and lawful; however, a group of local NGO's, including the LDH, conducted an independent investigation and reported that the police used inappropriate force. The Government did not respond to the report, and the FRELIMO majority in Parliament blocked an initiative to form a commission of inquiry to investigate the incident.

There was some sporadic political violence in the provinces during the year related to tensions between supporters of RENAMO and local security forces, including incidents in Marumbala, Beira, and Aube. On November 9, violence erupted in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the December 1999 elections; as many as 54 persons died in the violence (see Sections 1.a. and 2.b.). In addition, approximately 200 persons were injured and approximately 457 demonstrators were detained (see Sections 1.d. and 1.e.). The LDH reported that police used excessive force against the demonstrators in Nampula province and Balama, Cabo Delgado province and cited an anonymous police source who alleged that police severely beat and tortured detainees in custody. A RENAMO Member of Parliament (M.P.) claimed that police beat him and broke his right clavicle during his arrest; he publicly stated that police tortured him and other detainees while they were held at the Beira maximum security prison.

During November and December, a number of journalists were threatened and attacked by unknown assailants (see Section 2.a.).

Prison conditions in most of the country are extremely harsh and continued to pose a threat to inmates' health and lives. A LDH report released in January 1999 on the Beira central prison found that conditions remain significantly below minimum international standards. Latrine facilities are primitive; in some prisons, inmates must keep human waste in their cells until they persuade or bribe attendants to remove it. Food is substandard and scarce. Most prisoners receive only one meal per day on a regular basis. It is customary for families to bring food to prisoners; however, there are sporadic reports that guards demand bribes in return.

From September through December, the DHD conducted a series of prison and jail visits in 7 of the country's 11 provinces. The DHD reported that prisons provided substandard facilities and minimal care to detainees. A comprehensive U.N. Development Program (UNDP) report released during the year stated that prisons were decaying, overcrowded, and inadequately supplied. The Prime Minister responded to the UNDP report by calling publicly for a national effort to improve prison conditions. The Prison Fellowship of Mozambique (FPM) also commenced operations during the year and conducted prison visits (see Section 4).

There were many deaths in prison, the vast majority due to illness and disease; the UNDP report noted that there were 157 prison deaths during 1999, mostly due to malaria, tuberculosis, and respiratory diseases aggravated by poor conditions and lack of space (see Sections 1.c.). RENAMO alleged that three protestors who were detained during the November 9 demonstrations died from asphyxiation in November in a maximum security prison in Beira, Sofala. The Government acknowledged the death of one of the detainees but attributed his death to natural causes. Between November 18 and 19, at least eight detained RENAMO supporters died in a Montepuez jail cell. Between November 20 and 21, more than 100 additional RENAMO supporters died of asphyxiation in a detention cell in Montepuez, Cabo Delgado; lack of water and food may have contributed to the deaths. The final number remains in dispute between the Government, the opposition, and human rights NGO's; many of the detainees never were formally processed and were buried in mass graves. The LDH and the DHD alleged that local police officials purposely deprived the detainees of oxygen by closing the cell door and that the police commander threatened that the detainees would not leave the prison alive. The Government, with the assistance of a South African team of pathologists, investigated the incident. Although the results of the investigation were not released by year's end, the Government stated that the deaths were caused by asphyxiation due to overcrowding, and independent investigations by the LDH and the DHD confirmed the finding. Several police officers were fired, and investigations continued at year's end, including a National Assembly commission of inquiry. In December President Chissano and RENAMO President Dhlakama agreed to establish a separate bipartisan working group to investigate the Montepuez deaths; the working group was scheduled to begin meeting in February 2001. The Government did not investigate the March 1999 deaths of three juveniles who died in detention, allegedly from illness and lack of food. While the health problems of most inmates remain unattended, the Ministry of Justice and the Ministry of the Interior made specific efforts to address some of the more serious diseases in the prison system during the year, including cholera, tuberculosis, and HIV/AIDS-related illnesses.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operate prisons in all the provincial capitals. The DNP's also hold prisoners at an

agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In MOI facilities detainees who have not yet been charged are held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged are usually held for longer periods than the 48 hours permitted under the law. In MOJ facilities detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment is deemed sufficient. Pretrial detainees are usually held for several months before trial, and delays over 1 year are common. MOI and MOJ facilities, while separate, often are connected physically. Military and civilian prisoners are held in the same prisons.

Detention facilities remained severely overcrowded, generally housing 4 to 6 times the number of prisoners that they were built to accommodate. The National Association for the Support and Protection of Prisoners, a domestic NGO, stated that during the year, Beira Central Prison held 513 inmates in a prison built to hold 200; Manica held 475 in a prison built to hold 300; Tete held 464 in a prison built to hold 90. Inhambane Provincial Prison held 296 in a prison built to hold 75; Nampula held 775 in a prison built for 70; and Cabo Delgado held 245 in a prison built for 90. Maputo Central Prison, built to hold 800 inmates, held 2,470 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 4,032 pretrial detainees were held in jails and prisons during the year.

Minors are incarcerated with adult inmates. During a visit to the Beira Central Prison in August 1999, the Minister of Coordination of Social Action found 25 minors detained there. However, the LDH reported noticeably fewer minors held in detention nationwide. At times Maputo City Prison houses children as young as 3 years of age, brought there by mothers sentenced for long periods.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. Several local and international organizations, including the LDH, the DHD, and the UNDP, visited prison facilities during the year and reported on prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continued to arbitrarily arrest and detain citizens in practice. Under the law, the maximum preventive imprisonment is 48 hours, during which time a detainee has the right to have his case reviewed by judicial authorities, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigation process. The law provides that if the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases, the authorities either are unaware of these regulations or ignore them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

On May 3, police reportedly arrested a RENAMO supporter under humiliating circumstances after an argument between a market fee collector and a vendor (see Section 1.c.).

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

In October Mario Frank, a RENAMO member and former general, was arrested after police raided RENAMO party headquarters in Beira, Sofala province and confiscated a number of weapons. In November officials released him after holding him in detention for 22 days without charge.

During the November 9 demonstrations, police detained approximately 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the December 1999 elections; there were reports that police beat and tortured detainees in custody (see Sections 1.a., 1.c., 1.e., and 2.b.). Three RENAMO members reportedly died in custody in Beira; RENAMO alleged that these deaths resulted from asphyxiation (see Section 1.c.). In addition more than 100 RENAMO detainees died of asphyxiation in a jail cell in Montepuez (see Section 1.c.). In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations (see Sections 1.a., 1.c., 1.d., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the group was scheduled to make initial recommendations to the President and RENAMO by March 15, 2001.

Many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also demanded bribes to permit persons to continue toward their destinations (see Section 2.d.). The media reported that citizens complained to authorities that police detained persons for not carrying identification documents and demanded money when they could not produce documents. Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder (see Section 2.c.); in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years' imprisonment.

Most citizens also are unaware of their rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees can spend many weeks, months, and even years in pretrial status. The bail system remains poorly defined, and prisoners, their families, and NGO's continue to complain that police and prison officials demand bribes to release prisoners. On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded \$750 for their release; the families were unable to pay the sum; they later identified the two men's bodies at a hospital morgue (see Section 1.a.).

Under the Penal Code, only those suspects caught in the act of committing a crime can be held in detention. Justice Ministry officials say that some police lack adequate training and do not know how to charge a person properly with a stated crime. A detainee may be subjected to indefinite detention. The National Directorate of Prisons reported that there are 6,422 persons in the prison system, 4,032 of whom were detainees who had not been charged. In response to this problem, a legal enforcement commission convened in May 1999 and ordered cases of detainees to be reviewed so that those who had served their time or were being held illegally (without charge) could be released. In Beira alone, 230 prisoners were released from the central prison during May and June 1999. During the year, the Government created an inter-ministerial review committee to continue this process, and the committee periodically reviewed the status of prisoners throughout the country to prevent unnecessary detentions. It was not known how many prisoners were released during the year under this process. The DHD report on human rights conditions released in October 1999 gave particular emphasis to the problem of arbitrary arrest and detention (see Section 4).

Drug cases are subject to a special regime. A 1996 law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation--up to 9 months--in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution expressly prohibits exile, and the Government does not use exile as a form of punishment.

e. Denial of Fair Public Trial

The Constitution formally established an independent judiciary and specifically states that the decisions of the courts take precedence over all other authorities and individuals and must be obeyed; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in October 1999 gave particular emphasis to problems in the judiciary (see Section 4).

The President appoints the President and Vice President of the most important tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates. The CSMJ, generally all FRELIMO party members, submits a list of qualified persons to the President of the Republic. The president then submits his choices to the National Assembly for approval. No assembly approval is needed for other judicial appointments.

There are two complementary formal justice systems: the civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. A 1991 law empowered the Supreme Court to administer the civil/criminal system; it also hears appeals, including military cases, although the Ministry of Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, customs court, fiscal court, maritime court, and labor court. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the general elections. Persons 16 years old and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to

correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems are ineffective due to a lack of qualified professionals.

In August 1999, Supreme Court Chief Justice Mario Mangaze complained that only 25 percent of citizens had access to the official judicial system. Outside the formal court system, a number of local customary courts and traditional authorities adjudicate matters such as estate and divorce cases. These courts are staffed by respected local arbiters who have no formal training but who exercise a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the State are tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the State, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons are in principle presumed innocent and have the right to legal counsel and the right of appeal; however, authorities do not always respect these rights. The great majority of the population is either unaware of these rights or does not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally is not available in practice, particularly in rural areas. Some NGO's, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbates the judicial system's weakness. There are an estimated 200 licensed attorneys in the country; the vast majority work in Maputo. There continued to be a shortage of qualified judicial personnel, with 160 judges nationwide. There are appeals courts in all provinces, but few of these courts are staffed by formally trained judges, despite the fact that the Judicial Magistrates Statute requires a law degree. Some districts have no formal courts or judges at all. Several donor initiatives to remedy these shortages were continued or completed during the year, including the training of district court judges and public prosecutors.

In 1998 while speaking at the opening of the Supreme Court session, Chief Justice Mangaze complained that a number of judges and others responsible to the courts were guilty of unacceptable practices, including corruption and bribe taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases. Justice Mangaze also presides over the CSMJ, which has expelled 24 judges for corruption since 1995. A Ministry of Justice official estimated that 17 judges were removed from office since 1998. During the year several judicial expulsions occurred, including the dismissal of the Attorney General and six of his senior legal staff in July and the suspension of a judge involved in a fraud case regarding the Banco Comercial de Mocambique (BCM). In 1998 the National Assembly passed a law, which was implemented in 1999, that speeds the implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly.

In October a court sentenced 3 individuals to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 2.a.).

In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations. The courts held that the demonstrations were illegal because they took place outside of the legal time limits. The speed with which these trials occurred and the sentences handed out raised serious questions as to the integrity of the judiciary and the right of due process (see Section 1.c.).

The Penal Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there are many documented reports that some judges ordered the incarceration of minors in common prisons without trial (see Section 1.c.). In most areas of the country, it is difficult to accurately assess age because the information is not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO alleged that the persons held in detention for participation in the November 9 demonstrations were political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right of privacy and expressly forbids the use of surveillance techniques, and the Government generally respected these provisions. There were no documented reports of such search activity; however, some political groups claimed that their telephones were tapped by government intelligence agencies and claimed that security forces kept watch on their activities. By law police need a warrant to enter homes and businesses; however, in July a few Maputo residents complained that customs agents searched their homes illegally.

Section 2 Respect for Civil Liberties:

a. Freedom of Speech and Press

The Constitution, the 1991 Press Law, and the 1992 Rome Peace Accords provide for freedom of expression and of the press, and the Government generally respected these provisions; however, limitations on these freedoms are permitted if they relate to the media's obligations to respect the Constitution, human dignity, and imperatives of foreign policy and national defense. In 1999 the Higher Council of Social Communication (CSCS), an enforcement body for the press law that is dominated by the ruling party, expressed concern that the vagueness of "imperatives of foreign policy and national defense" could lead to unwarranted restrictions. However, in December the CSCS expressed its concerns regarding recent articles, editorials, and comments that it considered contrary to national unity and prescribed media goals; some journalists criticized the CSCS for attempting to restrict press freedom and promote self-censorship. While criticism of the President is not prohibited, the 1991 Press Law holds that in cases of defamation against the President, truth is not a sufficient defense against libel. This law has not been tested in court; however, the President experienced considerable verbal and written criticism during the year without invoking this clause.

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

Government and state-owned media largely reflected the views of the ruling party, but many such media sources also carried significant criticism of Government actions, including the Government's handling of the flood-related rescue operations and post-flood distribution of relief goods. Media ownership is diversified. In 1999 the U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public, 36 percent were private commercial, and 28 percent were private nonprofit (church affiliated); however, the public category includes the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment newspapers--Noticias and Domingo--together with a third sports-oriented weekly are owned by a single corporation, Noticias Limited, in which state-owned enterprises hold majority shares. Both evidenced consistent bias in favor of the ruling party, FRELIMO, during the post-election period; however both newspapers continued pushing for reform of the justice system.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely is tolerated. For example, the independent media was extremely critical of the Government's reaction to the November 9 RENAMO demonstrations (see Section 1.c.). There were five independent weekly newspapers published in Maputo, and five other independent weekly journals published in provincial capitals. According to a survey by the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There are an additional 20 printed periodicals with a combined circulation of approximately 34,000. There also are 8 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, Imparcial, is owned by RENAMO. Websites were developed in 1999 for several independent media. Only a small minority of the population receives news directly through the print media.

While the Government no longer owns most radio and television stations, government stations are the only broadcasters capable of countrywide transmission; however, there are local and independent broadcasts in almost all urban areas. Government media are showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, is government-owned; however, its news coverage is considered generally unbiased and fair. Radio Mozambique receives the largest single subsidy from the state budget of any public media company. It broadcasts in Portuguese and 18 indigenous languages; its external service broadcasts in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcasts public debates that include a variety of participants with differing opinions.

In addition to Radio Mozambique, there are 16 independent (primarily church-supported) and state-supported radio stations, most using local languages in addition to Portuguese, which have spread to over a dozen cities. One such station, Radio Terra Verde (RTV), is linked directly to the principal opposition party, RENAMO. RTV is second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA) reach all major population centers and report local news via Mozambican-based part-time reporters; the BBC and the RFI carry news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the government of Portugal, offers a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news is available via cable in Maputo and via satellite nationwide.

In 1999 a media development report released by UNESCO expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socio-economic development nationwide. Furthermore, a 1997 census revealed that 60.5 percent of citizens over age 15 are illiterate in any language, and 70 percent of the population over 5 years of age do not speak Portuguese, which further limits the reach of the media beyond Maputo.

In 1999 Article 19, a United Kingdom-based NGO, reported that the independent media are constrained by the high cost of newsprint, distribution, and equipment. It claimed that publications close to the Government have an advantage in securing exemptions from customs duties. In September 1999, UNESCO's Media Diversity Project announced that it would assist 24 private sector print and faxed journals from all provinces to lower their paper costs and strengthen their ability to negotiate better commercial arrangements with the privatized Cegraf printing press in Maputo.

The National Union of Journalists (SNJ) continued to work with the Austrian Institute for North-South Development to improve working relationships between journalists and police officers.

Final debate on recommendations that membership in the CSCS be redefined to eliminate majority control by governmental appointees was deferred for another year. The CSCS was among the several organizations, including a joint operation by the LDH and Article 19, which monitored media fairness during the December 1999 presidential and parliamentary elections; however, the CSCS did not issue an evaluation of the elections by year's end, nor is it expected to do so at a future date.

The Prime Minister's weekly press conferences are important opportunities for journalists to discuss politics and government policies; while they were suspended during the electoral campaign in 1999, they were reinstated during the year. The Prime Minister's Information Office seeks to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continues to monitor press content informally.

Journalists were subjected to attacks during the year. In November two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical, in an execution-style shooting. In November unknown assailants attacked a radio journalist in Beira, slashing his cheek and tongue and warning him to "keep quiet." In November unknown assailants beat a radio journalist near Maputo; he required hospitalization for his injuries. In December the news fax agency Mediacoop received an anonymous bomb threat. In December the editor of the newspaper Savana received a telephone death threat.

There are no formal restrictions on academic freedom. Private educational institutions, both church-related and secular, are well established and continued to expand in several cities. A new Islamic college constructed facilities and hired faculty during the year, although actual instruction had not commenced by year's end.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the law imposes restrictions on this right, and security forces forcibly dispersed some demonstrations during the year, including those of the opposition. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

The law specifies time limitations on the exercise of the right to gather or demonstrate peacefully. The law states that marches, parades, and processions can only be held on Saturdays, Sundays, holidays, or between

5:30 p.m. and 12:00 a.m. on other days. The law provides for possible exceptions to this regulation, if justified, but such decisions are not made in an open and established manner. Further, the law states that any organizers of gatherings or demonstrations must submit a notice to civil and police authorities with at least 10 signatures for the holding of any such demonstration, along with a justification of the purpose of the gathering. The law stipulates that the Government must reply to any such request within 2 days of receiving the request, and that no reply within this period shall be understood to mean governmental acceptance.

On May 5, approximately 40 friends and family members of a detained RENAMO supporter went to a police station in Aube, Nampula province, for the detainee's release. The police responded by firing into the crowd, killing between six and eight civilians and injuring several others; the number of deaths remains in dispute, despite numerous investigations (see Sections 1.c. and 1.d.).

On November 9, violent clashes occurred between police and RENAMO supporters during 15 of the more than 60 rallies and marches to protest the December 1999 election results; as many as 54 persons were killed, approximately 200 persons were injured, and police detained approximately 457 demonstrators (see Sections 1.a., 1.c., and 1.e.). RENAMO officials maintained that they had applied for and received permits to march in most cases; however, police stated that the demonstrators did not comply with the law and had blocked roads and occupied buildings unlawfully. Courts in Manica, Sofala, and Cabo Delgado provinces held that the demonstrations violated the legally-prescribed time limits for such activities (see Section 1.e.). Security forces also disrupted and prevented RENAMO party gatherings in Beira in August and Angoche in September.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation promulgated in 1991 sets forth the process for the registration of political parties. There are 27 registered, active political parties. Under 1992 legislation, a political party must demonstrate that it has no racial, ethnic, or religious exclusiveness and secure at least 2,000 signatures of citizens in order to be recognized.

The Government requires nonpolitical groups such as NGO's and religious organizations to register. In 1998 the Government issued a decree regulating the registration and activities of foreign NGO's. NGO's must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGO's whose programs the Government decides complement its priorities. Observers believe that these new requirements worsen the already lengthy bureaucratic process that NGO's must follow to work in the country. Although the registration process is not always transparent and can take many months, the authorities rarely reject applications from new associations. The law forbids the organization of political parties based on religious, ethnic, or regional affiliation; however, there were no reports of government attempts to impede the right of association for political purposes during the year (see Section 2.c.).

c. Freedom of Religion

The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respects these rights in practice.

The 1989 Law on Religious Freedom requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. No particular benefits or privileges are associated with the registration process, and there were no reports that the Government refused to register any religious groups during the year.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder; in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years' imprisonment.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. In late 1998, the Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, began arguing for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

The Constitution gives religious groups the right to own and acquire assets, and these institutions are allowed by law to own and operate schools. While virtually all places of worship nationalized by the State in 1977 have been returned to the respective religious organizations, the Catholic Church and certa