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U.S. Department of State

Mazambique Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

MOZAMBIQUE

Mozambique has a constitutional government headed by President Joaquim Chissano who was elected in the country's first multiparty elections in October 1994. President Chissano and the leadership of his party, the Front for the Liberation of Mozambique (FRELIMO), which has ruled the country since independence in 1975, control policymaking and implementation. The National Assembly, the only multiparty institution beside the defense force, provided useful debate on national policy issues. However, the Assembly's FRELIMO majority did not exert significant authority or independence from the executive with regard to policymaking. The judiciary began to openly discuss its weaknesses, but it remained unable to implement constitutional provisions safeguarding individual human rights or to provide an effective check on the power of the executive branch. Although the foundations of democracy remained fragile, Mozambique's political transition continued to be largely successful, and reintegration of areas controlled by the Mozambican National Resistance (RENAMO) during the war continued, with tensions limited to only a few districts.

The integration of the FRELIMO and RENAMO defense forces continued, although a lack of resources and political will has hampered the development of a nonpartisan professional military. There are several forces responsible for internal security under the Minister of Interior, 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. These ill-trained and ill-disciplined units continued to be the focus of much controversy. Members of the security forces committed numerous human rights abuses.

Approximately 80 percent of the population is employed in agriculture, mostly on a subsistence level. Major exports are shrimp, sugar, cotton, and cashew nuts. The transition to a market economy in the small formal economy accelerated during the latter half of the year with increasing privatization of state-owned enterprises and progress in financial sector reform. Starting from an extremely low base, the gross domestic product grew 3 percent in 1995 and was forecast to grow at a significantly higher rate in 1996. Inflation fell significantly with an estimated annual inflation rate of approximately 21 percent, below the International Monetary Fund target for the year. Although the general economic outlook improved with good rains and a good harvest, the economy and the Government's budget remained heavily dependent on foreign aid; the economy experienced a \$613 million trade deficit in 1995. Extensive corruption at all levels of the Government continues to be a problem. The annual per capita income of around \$90 remains very low, and unemployment is high.

While the status of political and civil liberties improved, the Government's overall human rights record continued to be marred by a pattern of abusive behavior by the security forces and an ineffective judicial system which is only nominally independent from the FRELIMO-controlled executive. Poorly trained and undisciplined police forces and local officials continued to commit human rights abuses, including extrajudicial killings, excessive use of force, and arbitrary detention. Security forces and police routinely beat, tortured, or otherwise abused detainees, including street children. Extremely poor prison conditions resulted in the deaths of dozens of inmates. Arbitrary arrests and lengthy detentions without fair and expeditious trials remained problems. The Government continued to restrict press freedom; the media remained largely owned by the Government and state enterprises and manipulated by factions within the ruling party, but there was greater criticism of government policies. Also, with increased press and NGO scrutiny, more abuses by security forces came to light than in previous years, and in some instances the Government investigated and punished those responsible. However, in view of the common perception that the police force is unreliable and corrupt, many citizens resorted to mob justice. Late in the year, the President dismissed the unpopular Minister of Interior, and the Government promised long-needed reforms of the police forces. Societal discrimination and violence against women, and violence against children remain problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no known cases of political killings, but there were reports of extrajudicial killings. RENAMO officials charged that security forces had killed several of its members. In May the General Secretary of RENAMO, Francisco Marcelino, accused police of intimidating, persecuting, detaining, and executing RENAMO followers in Manica, Sofala, Nampula, and Tete provinces. The Government did not investigate these charges, but there were no independent verifications of the alleged killings.

According to the Mozambican League of Human Rights (LDH), in June police were responsible for the death in police custody of an accused car thief, Frenque Tchembene, and the disappearance of another suspect, Abdul Mota (see Section 1.b.). According to Frenque's wife, who was present during his interrogation, Frenque was beaten with iron bars and AK-47 rifles, submerged in dirty water, and struck in the genital area. His medical report indicated that he died later the same week from these police-inflicted injuries. After protest by the LDH, the authorities arrested a sergeant and charged him and four other officers with murder.

A press report stated that police killed three people--two by gunshot and the third by beating--early in

the year in Central Zambezia province. The police involved were briefly detained then released. In March the independent press reported that a police officer in Machava, a Maputo suburb, tortured a man to death after a complaint that the man was harassing a neighbor.

Extremely poor prison conditions led to the deaths of many persons in custody (see Section 1.c.).

There were no known disciplinary actions taken in the 1995 killing of Fern Macongue Siteo. The police shot Siteo in the course of attempting to settle a local dispute.

Mob and vigilante killings continued to be common. For example in March a group of residents in Manjacaze lynched two suspected armed robbers. While the authorities rarely prosecuted mob participants, in June police in Matola prevented a mob from burning to death four thieves. There were numerous but unverified reports during the year that regulos (traditional chiefs) and curandeiros (traditional healers) had imposed and carried out death sentences against persons accused of witchcraft.

b. Disappearance

There were no reports of politically motivated disappearances.

In May Abdul Mota, a suspected car thief, disappeared after an argument with an officer of the paramilitary "lightning brigade" that patrols the Maputo-Ressano Garcia highway. Mota disappeared after last being seen with a senior officer of the brigade. The authorities failed to conduct a thorough investigation, and no report on the incident had been issued by year's end. Mota remained missing at year's end.

The fate of thousands of Mozambicans who disappeared during the civil war still remains unresolved. However, a FRELIMO National Assembly deputy reported publicly for the first time that the FRELIMO leadership had had one such person--Lazaro Nkavandame, one of FRELIMO's founders--executed by firing squad for treason, as were others during the conflict.

In March another FRELIMO National Assembly deputy alleged that RENAMO continues to hold kidnaped children in Niassa province.

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

The 1990 Constitution expressly prohibits torture and cruel or inhuman treatment, but the Mozambican police forces continued to commit serious abuses. The police often used excessive force, and there were continuing reports that police routinely beat and whipped detainees. In February one senior PRM officer stated publicly that in order to restore public order police have to beat people.

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate people from reporting abuses. In July the Director of the Criminal Investigation Police (PIC), Domingos Maita, publicly stated that the police forces are infiltrated by crime syndicates. A press report in September from Gaza province's capital Xai Xai indicated that the local police regularly extorted money from street vendors (predominately widowed and divorced women), beat the women, and confiscated their produce. Police also beat street children (see Section 5).

The vast majority of these cases were never investigated, but one case received nationwide publicity due to the LDH's investigation. The LDH accused the PRM of deliberately torturing nine workers on the Mozambican National Airline (LAM) at the end of 1995. The report stated that the police officers

tortured the workers with saws, hammers, and by sticking guns up the workers' nostrils or in their ears, leaving some of the workers with hearing impairments. Although the LDH sent letters to various authorities, including the Prime Minister and the Minister of the Interior, by the end of 1996 no investigation into the alleged torture had taken place.

Credible reports indicated that the paramilitary "lightning brigade" guarding the Ressano Garcia-Maputo road continued to beat and torture suspected car thieves, keeping them shackled for days without due process.

A RENAMO provincial official, Tome Fernandes, accused the police in May of intimidating citizens of the RENAMO constituency in Cabo Delgado province. Although RENAMO presented Prime Minister Pascoal Mocumbi with a series of such allegations, it does not appear that any investigation has taken place. A civil court in March settled the 1994 case of torture of a bank official by "PROTEG" private security forces involving the use of electric shocks. The court ordered the Commercial Bank of Mozambique to reemploy the official and pay him 17 months' back wages. However, the criminal case concerning the torture a