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U.S. Department of State

Mozambique Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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 is the only multiparty body besides the defense force, and it continued to provide useful debate on national policy issues and began to generate proposals independently. Further, the Assembly's FRELIMO majority began to exert some authority with the executive with regard to policymaking. Although the foundations of democracy remain 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 judiciary, on occasion, openly discussed its weaknesses, but it remained unable to implement constitutional provisions safeguarding individual human rights or to provide an effective check on the executive branch.

The 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 pace of transition to a market economy quickened. Privatization of state-owned enterprises continued to advance. The gross domestic product grew 6.4 percent in 1996 and was forecast to grow at a similar rate in 1997. Inflation fell to 16.6 percent in 1996, down from 51 percent in 1995. Inflation through July was 5.3 percent. 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 had a \$575 million trade deficit in 1996, down from a \$613 million trade deficit in 1995. Extensive corruption at all levels of the Government continued to be a problem. The annual per capita income of around \$93 remains very low, and unemployment and underemployment are 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 that 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 harsh prison conditions resulted in the deaths of dozens of inmates. Arbitrary arrests and lengthy detentions without fair and expeditious trials remained problems. The judiciary lacks qualified staff and resources, is inefficient, does not ensure due process, and is subject to executive domination. The Government infringed on citizens' privacy rights. 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 a greater criticism of government policies and an increase in the number of independent media sources. Also, with increased press and nongovernmental organization (NGO) scrutiny, even 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. The Government limited freedom of assembly, and the law imposes some limits on freedom of association. Early in December, the Minister of the Interior announced that new measures to improve the training and living standards of police personnel, the creation of a digitized national identity card, and greater participation by Mozambique in international police conferences would begin in 1998. These measures, if implemented, would begin to fulfill the Government's longstanding promise to reform the police. A U.N. Development Program (UNDP) project to reform the police, which included training by the Spanish Guardia Civil, was suspended after an incident in which police shot and killed a Spanish doctor (see Section 1.a.). The program was reinstated later, and police retraining was expected to begin early in 1998. 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. In July a provincial RENAMO official charged that government officials killed two party members in Manica province.

According to the Mozambican League of Human Rights (LDH), in July police were responsible for the death in police custody of Issufo Aly and Carlos Cossa, who was detained after trying to rob a motorist (see Section 1.b.). After the LDH sent a letter to Minister of the Interior Almerino Manhenje, the police stated that they would investigate the matter. Later police officials reported that the two men died in a

car accident while trying to escape. Their bodies were not recovered. The LDH reported that its investigation revealed that the two men were shot and beaten to death by police in a car in Matola, and that police agents intimidated and took money from Aly's wife at her home the same night. Neither the police squadron commander nor the Interior Ministry provided further explanations.

In July the LDH reported that Mendonca Rodolfo died after being beaten in a discotheque by a police officer from the Catembe police station. The case is still under investigation.

In August a press report stated that police used truncheons to beat to death Carlitos Guambe, an alleged thief, in a Maputo precinct police station. Government officials have not investigated this case.

The LDH reported that 25-year-old Crescensio Sergio Muchange, an accused car thief, was beaten, tortured, and killed dead while in police custody at Matola a few days after his arrest on October 13. Muchange's family learned of his death in a radio broadcast and allowed the LDH to photograph his battered corpse at the central hospital morgue, where police failed to appear despite the League's appeal. The police failed to report any investigation of the case.

In January four police officers arrested and charged with the death of Frenque Tchembene in June 1996 were found guilty and sentenced to 7 years in prison. The tribunal court of the city of Maputo also ordered each officer to pay approximately \$390 (39 million meticaïs) to the victim's family. At year's end, the victim's family had not received any money. Under the 1990 Constitution, the State is responsible for damage resulting from illegal acts committed by its agents. However, the LDH reported that one officer was later released from custody pending an appeal, promoted, and transferred to another police station. Although in July the Interior Minister promised that he would reverse the promotion, this had not taken place, and the officer still works at the police investigations unit in Maputo. A policeman accused of killing a Spanish doctor in 1996 was found guilty of manslaughter and sentenced to a year's imprisonment in December. He was also ordered to pay an indemnification of about \$390 (39 million meticaïs) in compensation to the family of the victim.

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

Mob and vigilante killings continued to be common. For example, in August residents of a Maputo suburb beat to death a man accused of robbery. Several independent press sources, as well as the LDH, reported that villagers in Macia district have buried alive at least three persons accused of theft or witchcraft. According to the LDH, Macia residents have also forced other suspected criminals to swallow battery acid. There were reports during the year that Regulos (traditional chiefs) and Curandeiros (traditional healers) had imposed and carried out death sentences against persons accused of witchcraft, two of the cases in Macia.

b. Disappearance

There were no reports of politically motivated disappearances.

According to the League of Human Rights and family members, in July, Issufo Aly and Carlos Cossa were last seen alive in police custody. The LDH accused the police of killing the two men and disposing of their bodies. The authorities failed to conduct a thorough investigation, claiming that the men died in a car accident while trying to escape. Aly and Cossa remained missing at year's end (see Section 1.a.).

According to the LDH, Abdul Motz, a suspected car thief who disappeared in 1996 after an argument with an officer of the paramilitary "Lightning Brigade, burned to death in a mined area; his death may

have been caused by a mine.

There reportedly has been no investigation into the allegation that RENAMO holds kidnaped children in Niassa province.

The fate of thousands of citizens who disappeared during the civil war still remains unresolved.

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

The 1990 Constitution expressly prohibits torture and cruel or inhuman treatment, but the 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 July Benedito Zinocacassa, the PRM chief of general staff, admitted that police commit human rights abuses and violations. At a 5-week police training course in February, district and precinct police commanders admitted that various types of crimes and corruption are committed by police officers, including rape, extortion, theft, and bribe taking. The Sunday weekly paper, Domingo reported in June that a policeman in a Maputo suburb beat and kicked a pregnant woman for walking in front of the precinct station. The precinct commander, Campiao Faduco, reported that the officer had been arrested.

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate people from reporting abuses. In August during a course on human rights, Interior Minister Almerino Manhenje denounced the illegal and corrupt practices of the police force. In September the daily Diario de Mocambique reported that a police officer supplied carjackers with arms for a July carjacking incident. Other news sources reported similar cases of police collusion with carjackers. In July 1996, the Director of the Criminal Investigation Police (PIC), Domingos Maita, publicly stated that the police forces are infiltrated by crime syndicates.

RENAMO officials continued to allege that on numerous occasions police harassed, detained, and beat members (see Sections 1.d., 2.b., and 3).

The vast majority of these cases were never investigated. However, on occasion the Government took action to counter the abuses arising from police corruption and excessive use of force. In August Jacinto Cuna, spokesperson for the Maputo city police command, announced that in an effort to combat rampant corruption, the police force had expelled 46 officers within the past 2 months for extortion, bribe taking, and drunkenness. There were isolated instances of disciplinary action in other parts of the country. There were no developments in the case of the alleged police torturers of the workers of the Mozambican National Airlines in 1995. The trial has been delayed twice. Two of the victims are crippled for life.

Police continue to extort money from street vendors (predominately widowed and divorced women), beating them and confiscating their produce. Police also continued to beat street children (see Section 5).

In May the Government used force to break up RENAMO demonstrations. Police used tear gas and rubber bullets to disperse the crowds.

In December the Interior Minister attacked the generalized misconduct of the country's traffic police, especially for demanding bribes from motorists on the Ressano Garcia highway and other roads. While there were no new reports, there were credible 1996 reports 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.

There were no reports of an official investigation into the 1996 allegations made by Tome Fernandes, a RENAMO official, that the police had intimidated RENAMO members in Cabo Delgado province. As the charges were made by RENAMO, such an investigation was unlikely.

There was no new information available on the status of the criminal case against "PROTEG," a private security force, for torturing an official of the Commercial Bank of Mozambique in 1994; the victim received indemnification in a civil trial in 1966.

Prison conditions throughout the country are extremely harsh and continued to deteriorate; they continued to pose a severe threat to inmates' life and health. Sanitary conditions are below minimum international standards. There is little medical care and insufficient food. Some prisoners are fed only once a day. For example, in July Francisco Macopa a delegate from the Institute of Judicial Assistance (IPAJ) reported that this was all the food that authorities at the principal police station in Lichinga, Niassa province, gave the prisoners. A June report by Radio Mozambique indicated that authorities in the Maputo civil prison sometimes feed the inmates only once a day and that 48 prisoners were suffering from malnutrition.

In his March State of the Nation address, President Chissano acknowledged the necessity of prison reform. The prisons remain severely overcrowded, generally holding four times, and in one instance, six times, as many prisoners as they were built to hold. Quelimane has 406 prisoners in a prison built to hold 90; Manica has 900 in a prison built to hold 300; and Beira has 800 in a prison built to hold 200. Maputo central prison has 1,800 persons in a prison built to hold 800; Beira central prison has 532 in a prison built to hold 120; Tete provincial prison has 400 in a prison built to hold 90; Machava maximum security prison near Maputo has about 2,000 prisoners in a prison built to hold built for 500.

As in 1996, Minister of Justice Jose Abudo acknowledged that irregularities and abuses continued to take place in prisons throughout the country. In July members of the Parliamentary Commission on Social and Environmental Affairs reported the lack of sanitary conditions and overcrowding in the majority of Manica prisons that they visited. The deputies reported that most prisons lacked adequate water supplies because of burst pipes. Nazarinho Mourinho, a Sofala provincial attorney, reported that the prisons in the provincial capital of Beira do not meet the minimum conditions for human habitation. In June Beira central prison inmates told Sofala province Governor Felisberto Tomas that a lack of proper medical care had led to outbreaks of sexually- transmitted and skin diseases.

There were many reports of deaths in overcrowded prisons. For example, in August the administrative director of the Nampula civil prison reported that the extremely poor sanitary conditions caused deaths due to diarrhea and tuberculosis. In May Joaquim Manuel reported that police had imprisoned him without charge for a month in the Machava central prison, where he contracted tuberculosis due to the extremely unsanitary conditions. After throwing up blood for 6 days, Manuel reported that the police sent him to the Machava general hospital, but ordered him to be handcuffed to his bed during his 3 months of treatment. He was later released from prison.

In order to combat poor prison conditions, the Ministry of Justice continued to expand the food cultivation program it began in 1996. For example, the Tete provincial prison superintendent, Marcos Cumbane, reported in July that prisoners are able to grow food on a prison farm and that they had harvested approximately 20 tons of corn during the 1996-1997 season. The Mozambican League of Human Rights reported that the Lichinga provincial prison also used prison farming to supplement inmates' diets. A January newspaper article reported that prison officials at the Rex prison, 13 kilometers from Nampula, had instituted prisoner farming in order to provide rice, potatoes, and fruits to inmates. The Ministry also attempted to increase the budgets of some prisons. For example, in July the Director of Zambezia Central Prison, Felix Nharregulas, stated that the Zambezia district jail in Gurue received

approximately \$8,500 for renovations.

Although the majority of cases of abuse in prison are due to overcrowding and lack of food and medical attention, prisoners continued to report regularly police beatings, rapes, and demands for money in exchange for freedom. In June the Mozambican League of Human Rights alleged that guards continued to torture inmates in the Machava central prison. A January press article reported that guards at Machava central prison demand money from family members to deliver food to prisoners and threaten to keep prisoners in their cells with urine and feces unless the family members pay for its removal.

Many pretrial detainees are minors who are incarcerated with adult inmates. For example, in July the Zambezia provincial prison director reported that at least 50 male minors were in the main prison, and that all had been there for several months without trial or formal charges (see Section 5). The League of Human Rights stated that 14- and 15-year-olds were imprisoned in the Machava central maximum security prison, without being formally charged. Nazarinho Mourino reported that the Beira city prisons housed many children under the age of 16. As a result, child molestation and other violence against children were rampant in the country's prisons. In June Justice Minister Abudo acknowledged that during his visits to prisons, police were detaining minors. Military and civilian prisoners are held in the same prisons.

International human rights groups, as well as national human rights groups, are given access to prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continue to arbitrarily arrest and detain citizens. Under Law 2/93, the maximum preventive imprisonment is 48 hours. Within that time period, a detainee has the right to have his/her case reviewed by judicial authorities, after which he/she 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, such as a security offense or one requiring a sentence of more than 8 years, he/she may be detained up to 84 days without being formally charged. If a court approves, such detainees may be held for two more periods of 84 days each while the police complete the investigation process. In practice, however, the authorities either are not aware of these regulations or ignore these rules, as well as a detainee's constitutional right to counsel and to contact relatives or friends. For example, an August 30 Noticias article reported that the charging judge in a narcotics case incorrectly stated that the police could detain a person for up to 90 days before charges were filed. The Attorney General's office offered a correction to this misconception in a September Noticias article. Although Law 19/91 provides definitions of crimes against the State, such as treason, terrorism, and sabotage, the Government retains the discretion to determine crimes that constitute security offenses.

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 practice, however, this law is often ignored, in part because of the severe lack of administrative personnel, trained judges, and sufficient lawyers to monitor the judicial system (see Section 1.e.).

Most citizens are unaware of their rights, particularly those granted under the 1990 constitution, Law 2/93 and the Penal Process Code, and detainees can spend many months, even years, in pretrial status. In August the chief prosecutor for the city of Maputo; Joao Julio Mutisse, publicly announced that there were pretrial detention irregularities in Maputo prisons, where prisoners can remain for more than 3 weeks without attending a hearing presided over by a judge. He stated that in many cases the preventive

detention period had expired without the authorities freeing or charging the detainees, but that this abuse was due to a severe shortage of qualified judicial authorities to review cases. In June detainees in the Beira central prison complained that most had been in jail for over 6 months without a trial.

The bail system remains poorly defined, and prisoners, their families, and NGO's continued to complain that police and prison officials often take bribes to release those who can afford to pay. In an April 1996 letter by a group of inmates at Machava central prison to a national newspaper, the prisoners charged that police officers beat and tortured them, sexually abused prisoners and their wives, and demanded money for food and sometimes freedom. In January several wives of inmates in the Machava central prison alleged that guards were forcing sexual favors from them in return for food for their husbands.

In March the National Assembly passed a new law that established judicial regulations regarding the trafficking and use of narcotics. The law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The law also authorizes a long period of investigation--up to 9 months--in cases involving drug smuggling, drug production and transfer, and criminal association.

Authorities were unable to reduce the large backlog of prisoners awaiting trial. In May the provincial commander in Nampula, Armando Ossufo, admitted that the overcrowding in Nampula prisons was due to the delay in court hearings for detainees in preventive detention. The Tete provincial prison held 153 detainees among its 400 prisoners, and Machava central prison held 31 detainees among its 90 prisoners. According to the Mozambican League of Human Rights, the Machava central prison held 2,000 prisoners, its female section held 18 detainees among its 30 prisoners, the Cuamba district prison held detainees among its 25 prisoners.

In July the RENAMO district representative in Murrupula, Patrico Jose Ussene, alleged that the district government was persecuting and detaining RENAMO members. In August a Newsfax article reported that police arrested 11 RENAMO members in a Maputo suburb for allegedly defaming the Government. No further information was available at year's end.

In May the Government broke up RENAMO demonstrations and police arrested several demonstrators (see Section 2.b.).

The 1990 Constitution expressly prohibits exile, and the Government does not use exile as a form of political control.

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. Nevertheless, the executive, and by extension the FRELIMO Party, continued to dominate the judiciary. Judges largely owed their positions to the ruling FRELIMO Party, which continued to exercise significant influence on all aspects of public life through the executive and party organs.

The President appoints the President and Vice President of the most important tribunal, the Supreme Court. The President also appoints the Attorney General. These selections are then sent to the National Assembly for approval. Although the Supreme Council of Judicial Magistrates assembles a list of qualified persons, the President selects the justices from the list. No National Assembly approval is needed for these choices. The National Assembly began to assert its prerogatives in the judicial area when it formulated a proposal for the combat of narcotic use and drug trafficking. This law established strict guidelines and judicial penalties for such illicit behavior.

There are two complementary formal justice systems: The civil/criminal system, which includes customary courts; and the military. 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 are also special courts that exercise limited subject matter jurisdiction, for example, administrative courts, customs courts, fiscal courts, maritime courts, and labor courts. Minors 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. The Penal Code contain legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 20. However in several instances (see Section I.d.), credible reports indicated that the judicial system had ordered the incarceration of minors in common prisons throughout the country.

As with the provincial and district courts, the specialized and minor court systems are ineffective because they suffer from a lack of qualified professionals. Civilians are not under the jurisdiction of, or tried in, military courts. Local customary courts handle matters such as estate and divorce cases.

Persons accused of crimes against the State are tried in regular civilian courts under standard criminal judicial procedures. The Supreme Court has original jurisdiction over members of the National Assembly and anyone else who is immune from trial in the lower courts. The 1990 Constitution called for the creation of a constitutional council, but the Government has not yet passed implementing legislation for this council. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality.

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

In regular courts, all accused persons are in theory presumed innocent and have the right to legal counsel and the right of appeal, but the 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. In his March State of the Nation speech, President Chissano acknowledged that there was a shortage of qualified judicial personnel. In 1996 Supreme Court President Dr. Mario Mangaze reported that there was only one licensed judge in Cabo Delgado, Gaza, and Zambezia provinces, respectively. He reported that there were districts with no courts or judges at all; he further acknowledged that lack of human and financial resources and problems with outdated legislation impeded the judiciary's effectiveness. In September Cipriano Nhane the General Secretary of the Supreme Court reported that the judicial system lacked the means to employ more magistrates. He noted that the shortage of personnel was causing an enormous backlog of cases. For example, in Nampula province, the provincial court had one judge and a backlog of 3,655 cases. The President of the Supreme Court announced in September that the court system was unable to render justice, given its severe shortage of resources. He added that the situation in the court system and the Attorney General's offices was calamitous.

The Government undertook several initiatives in order to combat this shortage. In March the Attorney General's office began a year-long training course for 30 persons to become district attorneys. With international financing, the Supreme Court established training courses for judicial magistrates, a 3-month revision course for licensed judicial magistrates, and a year-long initial training course for magistrates, both at the district level. International assistance is providing funds for the training of judicial magistrates and legal cadres at all levels.

At the fifth ordinary session of the Judicial Council, the President of the Supreme Court stated that there were instances in which judicial personnel violated such human rights as the rights to a fair and speedy trial, to counsel, to humane treatment, and to equal protection of the law. The Higher Council of the

Judicial Magistrate (CSMJ), the body responsible for overseeing professional behavior among magistrates, reported in September that 13 out of a total of 130 judges were disciplined for corruption between 1994 and 1997. The report noted that the actual total could be higher, but that there was a lack of resources to investigate all the allegations of abuse. Some of the offenses cited included abuse of power, bribe-taking, illegal release of prisoners, and delaying of cases.

Exacerbating the judicial system's weakness is the lack of licensed attorneys, with fewer than 130 in the country and the vast majority centered in Maputo. In an effort to replace the public organization previously responsible for providing counsel for indigent defendants, some NGO's, such as the Mozambican League of Human Rights and the Association of Mozambican Women in Judicial Careers, offered limited legal counsel at little or no cost. In July the LDH announced the deployment of 16 paralegals in Maputo and Nampula provinces. These paralegals provide assistance for people in the defense of their legal and human rights.

Despite the judicial system's infrastructural and personnel weaknesses, it has begun to take some initiative. In June the Attorney General's office requested hearings on three National Assembly deputies, all allegedly involved in criminal activities. In August the Assembly's permanent commission granted this permission.

In February after a lengthy investigation, the Attorney General's office filed a case with the Supreme Court against the presiding judge of the Manica provincial court. He is accused of murdering his domestic servant. During the month-long investigation, the judge continued to preside over the Manica court.

Efforts to reintegrate RENAMO-controlled zones into central administrative structures continued, but RENAMO still exercised informal control over a number of areas through a rudimentary form of civil administration and traditional courts, with extensive use of traditional authorities as judges. In April a report in Noticias alleged that local RENAMO officials in Zitundo, Matutuine district, Maputo province, were encouraging RENAMO members to disregard local governmental institutions. In June the Government sent a force of rapid intervention police to Maringue, one of RENAMO's strongholds during the civil war, in order to enforce local administration.

In March RENAMO deputies in the National Assembly called for a national truth and reconciliation commission to investigate all human rights violations in the country since 1962. The suggestion led to considerable debate in the Parliament but ultimately was not approved.

There were no reports of political prisoners.

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

The 1990 Constitution provides for the right of privacy and expressly forbids the use of surveillance techniques. By law police need a warrant to enter homes and businesses. Although there are fewer reports of such activity, incidents of illegal telephone wiretapping by government intelligence agencies allegedly still occur. Security forces keep watch on RENAMO members and supporters and other members of the opposition.

In a July National Assembly session, Parliament forced the Government to withdraw an article from the proposed law on defense and security that called for people to collaborate with the SISE security police, essentially as citizen informants. The bill was passed in July without the objectionable provision.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution, the 1991 Press Law, and the 1992 Rome Peace Accords provide for freedom of expression and the press but with restrictions in cases involving national defense considerations. Although there was an increase in criticism of Government policies and in the number of independent media sources, the Government continued to restrict press freedom. While criticism of the President is not legally prohibited, the 1991 Press Law holds that, in cases of defamation against the President, truth is not sufficient defense against libel. Although this law has not been tested in court, it has resulted in considerable self-censorship, and there was almost no direct criticism of the President. Some journalists faced legal action for defamation during the year, but these cases were based on allegations that private citizens were corrupt, not on libel against political figures. Journalists who criticized government officials or policy were at times subjected to threats and intimidation.

Media reporting on parliamentary debates and repeated delays in scheduling local elections covered all political viewpoints.

The Government continued largely to dominate the media, which reflected a bias toward state interests. The Government and state enterprises own the greater part of the country's media, including Mozambique's two daily newspapers, the only Sunday newspaper, the only weekly news magazine, and the national radio and television stations. However, there are also four independent daily faxed media, four independent weekly news magazines, plus independent radio and television stations. The Government's wire service, the Mozambican News Agency, includes reports from all independent media in its daily English and Portuguese transmittals. Radio Mozambique, the public's most important source of information, is government owned, but its news coverage is considered unbiased and fair. It receives the largest single subsidy from the state budget of any public company. Government media are showing greater transparency in reporting and some independence of editorial content. The most partisan of the government-controlled print media, the weekly Tempo magazine, suspended printing early in the year. Independent media outside the two principal cities continue to develop, mostly with the financial assistance of international donors.

Independent broadcast, print and faxed media are well established in the capital city, albeit precariously funded. One faxed news daily is directly linked to the principal opposition party, several other independent faxed dailies are nonpartisan; one faxed daily concentrates on economic and commercial news. Two independent weekly newspapers appear regularly in Maputo and are trying to improve their circulation outside the capital.

While the independent press carried opposition viewpoints and generally enjoyed far greater credibility, its influence (and that of the official press as well) is limited largely to Maputo and the provincial capitals because of the logistical difficulty of distribution of any publication in rural areas. Only a small minority of the population receives news through either television or the print media. Daily national newspaper sales average 84,000 in a nation of 15 million people mainly due to the high cost of newsprint.

State-funded Radio Mozambique (RM) is the nation's most important source of information. It broadcasts in Portuguese and a number of indigenous languages; its external service broadcasts in English as well as in Portuguese for the Mozambican community in neighboring South Africa. RM regularly airs public debates that include a variety of participants with differing opinions. Voice of RENAMO (VOR) signed an agreement with British partners linked to British Greenland Television and

now operates as Radio Terra Verde (RTV). There are also some church-sponsored independent radio stations that now offer news broadcasts.

Both the state television station (TVM) and the independent channel RTK TV have links with Portuguese television stations. TVM broadcasts live to Maputo and retransmits the following day in Beira and Nampula. Its coverage of Parliament and politicians extends to both sides of the aisle.

The government-owned wire service, the Mozambican News Agency (AIM), produces daily English and Portuguese language news summaries for export and subscription that regularly cite items from the nonpartisan independent as well as the government press and radio services.

Members of the news media perceived a government warning in the form of a rebuke by the state-controlled Higher Council of Social Communication (CSCS). The CSCS issued a communique criticizing some media elements for unethical behavior in response to two critical articles published by the state daily *Diario de Mocambique* and the opposition fax sheet *Imparcial*. The articles complained about government policy toward multinational corporations and supposed FRELIMO control of the journalists' union, respectively.

The Government's disinformation campaigns against RENAMO continued and even increased because of forthcoming local elections.

Government domination of newspaper printing presses led to allegations of official harassment of the independent press, but there was no evidence that this affected publication or content of the independent publications. Official harassment of the independent press has decreased slightly.

The Prime Minister's information office continues to informally monitor press content.

There are no formal restrictions on academic freedom. In practice, however, public school teachers routinely adhere to self-censorship since their employment depends on the State. Private educational institutions, both church related and secular, are well established and are continually expanding in several cities at the secondary and university level. Press reports on university forums routinely cite opinions from public as well as private university students and teachers.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association; however, the Government limited this right on several occasions. The law regulates public demonstrations and establishes the judicial regime for the exercise of this right. The law does not cover private gatherings, held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

Although the law permits the exercise of the right to gather or demonstrate peacefully, it prevents full exercise of this right through restrictive time limitations. The law states that marches, parades, and processions can be held on Saturdays, Sundays, holidays, or between 5:00 p.m. and 12:30 a.m. 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, with at least 10 signatures, for the holding of any such demonstration, along with a justification of the purpose of the gathering, to civil and police authorities. The law stipulates that the Government must remit any objection to such proposals within 2 days of receiving the request, and that no reply within this period can be understood to mean governmental acceptance.

In May the Government forcefully broke up a series of demonstrations throughout the country organized by RENAMO provincial leaders. In some cases, the police used tear gas and rubber bullets to break up the crowds. In other cases, police action preempted the beginning of marches. Press reports indicated that the Government used the Rapid Intervention Police (PIC), a well trained and well armed elite unit with the PRM, to break up the demonstrations. Some reports stated that police fired live rounds into the air, but this was not confirmed.

In the various locations, police arrested several demonstrators, including some of RENAMO's provincial and district representatives, as well as one parliamentary deputy. RENAMO representatives stated that they had filed their notifications in a timely manner and that the Government had not expressed opposition to the plans, or had expressed opposition to the plans after the 2 days stipulated in the law. Government officials insisted that RENAMO organizers had not filed notifications as required by the law. In September the Nampula provincial court began taking statements from the 15 persons detained in the May demonstration in Nampula, including RENAMO's provincial political official, Ossufo Momade. At year's end, there had been no conclusion to this case.

In September the city government of Maputo approved an application for the Mozambican Campaign Against Landmines (CMCM), an umbrella NGO, to organize a demonstration in front of the U.S. Embassy in Maputo during business hours on a weekday. CMCM organizers reported that they had full government cooperation and a police escort during their demonstration.

The law provides for freedom of association, albeit with some limitations. Legislation promulgated in 1991 sets forth the process for the registration of political parties. There are over 15 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 legally.

Other groups and associations continued to organize themselves or become more active, including three new human rights groups (see Section 4).

The Government requires nonpolitical groups, except religious organizations, to register, but it rarely rejects applications from new associations.

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 respects these rights in practice. The Government does not require religious organizations or missionaries to register and routinely grants visas to foreign missionaries. The Constitution also gives religious groups the right to own and acquire assets, and these institutions are allowed by law to operate schools.

Relations between the Government and religious organizations continued to improve as the Government sought political support from these organizations in the multiparty system.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right to live anywhere within national territory and to travel within the country and abroad. The Government no longer requires citizens to obtain permits from local authorities in order to travel within the country.

Security force roadblocks and patrols continued to affect freedom of movement. Police harassment throughout the country's road network continued, with many incidents of officers demanding bribes. The police regularly stopped foreign pedestrians within Maputo city limits and ordered them to present original passports. In many instances, the police would not accept notarized copies. (People do not like to carry the originals of documents because there is a high risk they will be stolen.) Failure to produce passports resulted in fines. Confiscating people's possessions under flimsy pretexts also continued, especially on the main road to and from the South African border.

During the year, Mozambique began to again play a role as a country of asylum for refugees from nearby countries. The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including providing first asylum.

In September, 85 Burundians sought refuge in Niassa province, reportedly after Tanzania and Malawi refused to grant them refugee status. Immigration officials in Niassa began to move the refugees to Maputo, where refugee claims are processed. Similarly, Tete city in Tete province experienced an influx of refugees, primarily from Somalia, the Democratic Republic of the Congo, and Burundi. Tete migration director Jaime de Sousa reported in March that 298 persons from Somalia and the former Zaire arrived in Tete via Zambia between January and February. By May the number had increased to 371 persons, with 242 from Somalia, and 92 from the former Zaire. De Sousa reported that most of these persons had no travel documents and were attempting to reach South Africa. In July the refugee support group director, Fernando Fazenda, reported that there were 400 refugees living at the Massaca II center near Maputo, a UNHCR facility.

In June Minister of the Interior Almerino Manhenje reported that some of the asylum seekers from Burundi, Somalia, Rwanda, and Liberia were in fact smugglers or criminals rather than true political refugees.

In May the Catholic Bishop of Tete, Paulo Mandlate, and the Episcopal Commission for Refugees and Displaced People (CEMIRDE) reported that the refugees in Tete province were living under very poor conditions, with little space, inadequate sanitation facilities, and with a shortage of clothes, food, and tents.

There were no reports of forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides that citizens have the right to elect their representatives by universal, direct, secret, and periodic elections. In October 1994, citizens freely exercised for the first time their right to vote in multiparty elections, which United Nations and other national and international observers declared to be free and fair. President Chissano was elected, with the ruling FRELIMO Party winning 129 of the 200 National Assembly seats. The largest opposition party, RENAMO, made a strong showing in the elections, winning majorities in the country's five most populous provinces. Although there is a FRELIMO majority in the Parliament, in the three 1997 sessions, the opposition parties succeeded in pressuring the Government to withdraw several proposals for further evaluation, including in July the withdrawal of a key article in the defense policy bill.

These developments demonstrated the continued institutional evolution of the Parliament. However, the FRELIMO majority ensured that the National Assembly did not provide any significant check on the power of the executive branch. The executive continued to gain parliamentary approval on even the

most controversial issues, such as the revision of the Land Law.

The President and the FRELIMO leadership continued to control policymaking and implementation, and FRELIMO members hold all cabinet positions and provincial governorships, even the governorships in provinces where RENAMO had won overwhelming majorities in the 1994 elections. In September President Chissano announced the "reassignment" of the governor of Cabo Delgado province. No reasons were given for this removal, and no replacement was announced.

During the year, there were tensions between the Government and RENAMO in some provinces. In July the Government sent over 100 rapid intervention police officers to Maringue, RENAMO's former military stronghold, to ensure that the local government officials there were able to function freely. In turn, RENAMO parliamentarians complained of a lack of support from provincial and district officials during visits to their constituencies. However, working relationships between the parties at the national and local level appeared to improve late in the year, and there was a reduction in the number of areas where FRELIMO administrators continued to accuse RENAMO officials of running parallel government structures and harassing central government appointed officials.

In December 1996, the National Assembly approved the Municipalities Law, the first in a series of legislative measures governing local elections. In April the National Assembly passed the remaining pieces of legislation, which set local elections for 1997 in 33 of 450 municipalities throughout the country. The FRELIMO majority in Parliament and the Government stated that these were the only areas presently able to sustain local governments, and in June the Government announced that local elections would be held in the 33 municipalities on December 27. However, on October 28, the Assembly amended the law to postpone the local elections, and on November 12 the Council of Ministers declared that May 29, 1998, would be the new date for local elections. This decree energized voter registration efforts, which began on November 10. There is no schedule for elections in any districts beyond the original 33.

Although RENAMO National Assembly deputies voted against the proposal for elections in just 33 localities, by year's end they had accepted the concept of gradualism.

While there are no legal restrictions hindering women's involvement in government, cultural factors inhibit their political advancement. In March Presidential Minister for Social and Economic Affairs Eneas Comiche reported that women are excluded from institutions of governance and power. Nonetheless, 62 of the 250 (28 percent) National Assembly deputies are women, even though these female deputies are not believed to play a significant role in either the Parliament's or the individual parties' decisionmaking. In April President Chissano ordered the resignation of the only woman in his Cabinet, Minister for Social Action Coordination Alcinda Abreu. There are five female vice ministers.

In May at FRELIMO's Seventh Party Congress, party leaders mandated that at least 30 percent of the two FRELIMO governing bodies must be female. The Political Commission met this mandate, however, the Central Committee fell just short, with 28.2 percent.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal obstacles to the formation of local human rights groups. During the year, several new human rights groups were established: Human Rights and Development (DHD), the Center for Democratic Services and Human Rights, and a democracy institute. Foro Mulher, the umbrella women's NGO group, continued its activities, which included the publication of periodic newsletters. The

Mozambican League of Human Rights (LHR) reported that its legal office's caseload had increased to 556 complaints of human rights violations in 1996. Among the complaints were homicides, allegedly by the police, and domestic violence, labor disputes, and land conflicts that were not investigated or adjudicated. In August the DHD organized and launched a campaign to commemorate the 50th anniversary of the Universal Declaration of Human Rights. The LHR has focused efforts on educating the public regarding its rights. It uncovered many of the grave abuses within the prison system. The Government has permitted the League access to Maputo and Nampula prisons under the jurisdiction of the Ministry of Justice. The League also publicly criticized widespread abusive behavior by the police and sent a letter to the Minister of Interior regarding the disappearance of Carlos Cossa and Issufo Aly (see Section 1.b.).

DHD held a workshop in August for the PRM to demonstrate to officers the importance of human rights. Follow-on seminars for the police forces throughout the country were planned.

The Government has been receptive to visits by international human rights monitoring groups, including the International Committee of the Red Cross and the International Commission of Jurists.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, religion, or disability, but the Government does not ensure in practice that such discrimination does not occur.

Women

Although official statistics are not kept, according to health officials, women's groups, and other sources, violence against women--particularly beating and rape--is widespread, especially in rural areas. Many women believe that their spouses have the right to beat them, and cultural pressures make it highly unlikely for most women to press for legal action against abusive spouses. However, the Mozambican League of Human Rights reported a total of 97 complaints of domestic violence in 1996, which was significantly more than the year before. A group of women NGO's, including Women in Law and Development (MULEIDE), Mozambican Women in Education (AMME), and the Mozambican Women's Organization (OMM), organized a 1997 campaign entitled "Everybody Against Violence." In July Ana Piedade Monteiro, the campaign's coordinator for MULEIDE, stated that as a result of the campaign MULEIDE received 36 complaints of domestic violence between January and June.

Although there is an increased awareness and reporting of domestic violence, in most parts of society such violence continued. MULEIDE reported that the vast majority of its domestic violence complaints consisted of sexual assault by men against women and children. While rape can be prosecuted in the courts, there is no civil law that defines domestic violence as a crime. The police do not normally intervene in domestic disputes. Cases that do reach the courts deal with specific charges such as rape, battery, and assault. When victims of physical abuse are brought to the hospital, such cases are rarely registered as caused by domestic violence.

Despite constitutional protections providing for the equality of men and women under law in all aspects of political, economic, social, and cultural life, civil and commercial legal codes that predate independence frequently contradict each other and the Constitution. Under the Law of the Family (through both court interpretation and precedent), the husband (or father) is the head of the household, and women (both wives and daughters), must ensure male approval of any and all undertakings that women assume. For example, in order to start a business, a woman must first have the written approval of her husband or father (or closest male relative). Wit