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U.S. Department of State

Mozambique Country Report on Human Rights Practices for 1998

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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, dominate policymaking and implementation. The Assembly of the Republic is a multiparty parliament that provides useful debate on national policy issues and generates a large number of independent proposals. During legislative sessions, the Assembly's FRELIMO majority increasingly influenced the executive branch on some policy issues, and opposition parties in the Assembly, working with FRELIMO, were able to develop and enact legislation successfully. The Constitution provides for an independent judiciary; however the executive branch dominates the judiciary, which is largely ineffectual and lacks resources.

The lack of resources and an overall planning strategy continued to hamper the development of a nonpartisan professional army. Many former military personnel of all ranks work in the government security forces. There are several forces responsible for internal security under the Minister of the 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. Members of the Security forces committed numerous serious human rights abuses.

Mozambique is a very poor country. Approximately 75 percent of the population is employed in agriculture, mostly on a subsistence level. More than 70 percent of the population lives below the poverty line. Major exports are shrimp, sugar, cotton, and cashew nuts. The continued transition to a

market economy showed positive results. Privatized state-owned enterprises number 900. The Gross Domestic Product grew 12.5 percent in 1997 and an estimated 8 to 10 percent during the year. Inflation was below 6 percent in 1997 and was near or below zero percent during the year. The economy and the Government's budget remained heavily dependent on foreign aid. The economy had a \$520 million (6 trillion meticias) trade deficit in 1997, down from a \$613 million (7 trillion meticias) deficit in 1995. The annual per capita income was approximately \$145 (1,740,000 meticias) and high unemployment and underemployment in the formal wage sector continued. Corruption continued to be a problem in the public and private sectors.

The Government's human rights record continued to suffer from numerous problems. Numerous police abuses, including extrajudicial killings, excessive use of force, torture and other abuse, continued. Police beat and sometimes tortured detainees, and abused street children. Prison conditions remained harsh and life-threatening; many prisoners died due to harsh conditions and torture. Police continued to use arbitrary arrest and detention, and lengthy pretrial detentions remained a problem. Fair and expeditious trials were not possible due to an inefficient, understaffed, and underfunded judiciary, which is subject to executive influence. The Government continued to restrict press freedom. Media outlets owned by the government and state enterprises largely reflected the views of factions within the ruling party, but many of them also carried significant criticism of the Government's handling of the local elections. The number of independent media increased, and their criticism of the Government, its leaders, and their families largely is tolerated. However, government officials still interfere with editorial policies, prevent reporters from getting certain information, and resort to threats or intimidation when unfavorable stories are published. The Government limited freedom of assembly, and the law imposes some limits on freedom of association. The Government at times infringed on freedom of movement. The country's movement toward decentralization and expanding democracy faltered with unsuccessful local elections in June. Most political parties claimed that some election officials manipulated regulations and restricted the access of opposition candidates to a place on the ballots. However, independent groups were able to run candidates successfully in 13 cities and towns. Security forces did not restrict the right of assembly for purposes of political campaigning when the Government held the long delayed elections. However, there were a few allegations of vote tampering and one egregious case of fraud. The unanimous passage of electoral legislation at the end of the year pertaining to the 1999 elections removed the points of dispute between the parties that had marred the local elections. Nongovernmental organizations are hindered by onerous registration requirements.

Widespread discrimination against women in the areas of employment and property rights, as well as violence against women, remained problems. The abuse and criminal exploitation of street children increased in larger cities, and child prostitution was a problem. Discrimination against the disabled, child labor, and instances of forced child labor remained 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. The League of Human Rights (LHR) received 10 complaints of suspected police homicide. In all cases, the police officers responsible were charged and trials were scheduled or underway at year's end. In January police killed a striking worker (see Sections 2.b. and 6.a.).

In the northern province of Nampula, the Nacala-Porto Paralegal Center investigated the death in police

custody of Intipa Faque. Relatives reported that the young man had been tortured and allowed to bleed to death by policemen who had invaded several homes searching for a video machine that Faque supposedly was hiding. The local police buried the victim. The nongovernmental organization (NGO) representing Faque's family wrote to members of the Government requesting expeditious investigation and handling of the case. The police had not responded by year's end.

A journalist in Cabo Delgado province reported that in October an accused thief, Cabral Manica, died because of police torture. The Attorney General ordered an investigation into Manica's death.

Police shot and killed one demonstrator and wounded several others during a labor strike at a security services company (see Sections 5, 6.c., and 6.d.).

Extremely harsh prison conditions and torture resulted in the deaths of many persons in custody (see Section 1.c.). In Nampula prison, 39 persons died during the year. In May human rights NGO workers in Nampula province asserted that detainees died in jails at Mozambique island and Nampula city (see Section 1.c.). The provincial police commander denied the charges and accused the NGO's of sowing terror.

In September four police officers were sentenced to 7 years in prison for torturing to death Frenque Tchembene in 1996. A Maputo court ordered each officer to pay approximately \$3,300 (39 million meticaís) to the victim's family in this widely publicized case. An NGO spokesman stated that all four officers had been removed from the force. However, the LHR asserts that Tchembene's family has yet to receive payment from any of the officers. One of the officers was released from custody, promoted, and transferred to another police station. The other officers remained in prison. Under the Constitution, the State is responsible for damage resulting from illegal acts committed by its agents.

At the end of 1997, a RENAMO party official in Gaza province reported that PIR police officers in the village of Chissano fatally shot a young miner, Eduardo Machava, allegedly for refusing a shakedown attempt. Police in the province responded that Machava had been stopped for an alleged curfew violation and had attacked a police officer. The victim's family sued for compensation, but there was no resolution of the case by year's end.

The LHR attributed the 1997 shooting death of Abel Zefanias dos Anjos to rogue police officers. They allegedly detained and tortured the 21-year-old victim, extorted money from his girlfriend for his release, and ultimately freed him. However, the police reportedly hunted him down and shot him, and then allegedly carried his body from the outskirts of Maputo to the city morgue as an unidentified casualty. Several months earlier, in October 1997, the LHR reported that the older brother of dos Anjos, Crescensio Sergio Muchange, had been accused of car theft, beaten, tortured, and killed while in police custody at Matola. The victims' family allowed the LHR to photograph Muchange's battered corpse at the central hospital morgue, where police failed to appear even after the LHR requested their presence. Police deny wrongdoing and have not yet referred either brother's case to the criminal investigation branch.

Occasional mob and vigilante killings continued in both urban and rural areas. In August a mob in central Maputo attacked and beat to death a carjacker as he tried to pull a motorist from his vehicle. There were also other violent, but non-lethal mob attacks (see Section 1.c.).

Some of the 1 million land mines still in the ground after decades of civil war caused 34 deaths during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

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 Constitution expressly prohibits torture and cruel or inhuman treatment, but police continued to commit serious abuses. There were credible reports of police torture, mistreatment, beating, illegal detention, and threats at gunpoint. For example, in March, seven PIR agents took former RENAMO fighter Pesado Rasquiva to their headquarters in Inhaminga, beat him on the head with a club, pierced his hand with a knife, cut off his ear, and tied him naked to a tree all night because he was unable to show an identity card. A journalist in Cabo Delgado province reported that in October an accused thief, Cabral Manica, died because of police torture (see Section 1.a.). In Caia police waited outside a Catholic Church and ambushed and took money from persons leaving a service. Maputo police patrolman Fabilo Alvaro Namuine was severely beaten and thrown into jail for 5 days in May without charge by police unaware of his identity. Namuine attracted his colleagues' attention when he quarreled with a bus conductor. With assistance from a human rights NGO, he was reinstated in his job. No action was taken against the police officers responsible in these cases. Police torture also has resulted in deaths (see Section 1.a.).

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses. There were continued reports of police collusion with carjackers.

Newspapers continued to report that police extort money from street vendors, many of whom are widowed or divorced women, sometimes beating them and often confiscating their merchandise. There were reports of police abuse of street children (see Section 5). Police also beat striking workers (see Sections 2.b. and 6.a.) and extorted money from travelers (see Section 2.d.).

The police have not yet responded substantively to inquiries from the LHR about most cases the League investigated, some several years old. Longstanding police problems of inadequate training, low pay (about \$45 (540,000 meticaïs) per month for ordinary PRM officers), and low force levels continued. Fewer than 19,000 of the target level of 50,000 ordinary police are in service, about half with 6 years or less of formal schooling. In response to these problems, international agencies and donor countries financed training programs that included human rights education, and have graduated 600 PRM officers to date in the ongoing curriculum. Although SISE personnel have a reputation for better discipline than the police do, reports persisted of some human rights violations on their part.

In his state of the nation address in April, President Chissano acknowledged that police reform was far from complete, and that public confidence had to be restored. In a speech marking law day and the 23rd anniversary of the police in November, Chissano said that respect for human rights was closely linked with police work. A spokesman for the National Police Command said that investigations of extortion, bribe taking, and brutality by police personnel continued through the year, with punishments ranging from suspension to demotion and expulsion. During the year the police expelled a total of 322 members for incorrect behavior. The Minister of the Interior also criticized the police for misconduct.

Mob violence and vigilante justice remained a problem. In March villagers near Boane in Maputo province publicly flogged three men accused of sorcery and cannibalism. Also in March, vigilantes beat

women accused of witchcraft in Matatuine. Such violence also resulted in the death of some victims (see Section 1.a.).

Prison conditions in most of the country are extremely harsh and life-threatening, but showed slight improvement according to NGO monitors. Prison life continued to pose a severe threat to inmates' lives and health. Sanitary conditions remain below minimum international standards. Health workers dispense almost no medical care inside prison walls. Latrine facilities are, in most cases, primitive; in some prisons, inmates must keep human waste in their cells until they persuade or bribe attendants to remove it. Food is insufficient and some prisoners eat only once a day. Throughout the year there were documented reports of many inmate deaths in Nampula from torture, and other reports of prison deaths from cholera, tuberculosis, and AIDS-related illness, as well as reports of extortion, and physical and sexual abuse by guards. In the latter half of the year, the League of Human Rights branch in Nampula reported receiving a letter from inmates in the Nampula jail, describing torture, death threats and unexplained disappearances of some prisoners. The inmates also claimed they were deprived of medical care and family visits, and investigators from the Attorney General's office, the Provincial Justice and the Peace Commission, and Amnesty International, had difficulty gaining access to the prison cells. The provincial police commander accused the LHR of inciting fear in local populations, and stated that recruiting police personnel without adequate background investigations may explain some inadvertent human rights violations. In November one newspaper reported the discovery of a clandestine prison in Buzi District, Sofala Province, where police allegedly detained prisoners in underground cisterns. Local authorities denied the existence of this illegal prison, which is being investigated by the Attorney General's office.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of the Interior (MOI), operate prisons in all the provincial capitals. According to NGO sources, MOI inmates are generally detainees who may have been tried by a judge but not sentenced, and some are interned for years (see Section 1.d). MOJ inmates generally have been tried and sentenced in a normal process. The DNP's also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In most of the prisons, inmates under MOJ jurisdiction are held alongside those under MOI jurisdiction. In a few cases, such as in Machava maximum-security prison, MOI inmates are held separately.

Detention facilities remained severely overcrowded, generally holding four to six times the number of prisoners they were built to accommodate. At the end of the June, Quelimane held 586 prisoners in a prison built to hold 90; Manica held 708 in a prison built to hold 300; and Beira held 882 in a prison built to hold 200. Tete provincial prison held 411 in a prison built to hold 90; Machava maximum-security prison near Maputo held about 2,100 prisoners in a facility built for 500. Maputo City Jail, built in 1955 for 250 persons, actually held 685 prisoners. Maputo Central Prison, built to hold 800 held 2,300 person, of whom 1,570 were awaiting trial. However, the Operational Brigade (B.O.) maximum-security section of the prison, with a capacity of 600, held only 297 inmates. Military and civilian prisoners are held in the same prisons.

There are many prisoners under the age of 16. Pretrial detainees who are minors are incarcerated with adult inmates. The League of Human Rights stated that 14- and 15-year-olds were imprisoned without charge in the Machava maximum-security prison. A special rapporteur from the African Human Rights Commission noted that the country's prisons have an unusually high population of young inmates. A Beira newspaper reported that the city's central jail from time to time houses children as young as age 3, brought there by mothers sentenced for long periods.

Early in the year, Minister of Justice Jose Abudo acknowledged that irregularities and abuses continued to take place in prisons throughout the country. He mentioned a high profile incident in the Tete

provincial prison, where a guard was bribed to allow three men convicted of killing a British couple to flee. In another instance, the secretary of Machava central prison was the target of media criticism for driving a Mercedes allegedly purchased by an inmate. In May the head of Chokwe prison was arrested and charged with accepting a bribe after releasing four alleged arms dealers.

During the year 230 new guards were trained by the Ministry of Justice and received, along with veteran guards in refresher courses, a 6-month program of human rights instruction.

The LHR prison monitoring and reform office reported that inmate treatment and facilities in the Maputo jails improved slightly during the year. In the Maputo Central Prison, reportedly the country's largest, running water finally was made available 24 hours a day, substantially improving sanitation. To improve prison conditions, the Ministry of Justice continued to expand the prison food garden program started in 1996. In addition, the Ministry of Justice allocated considerable funds for rehabilitating facilities in 1997 and during the year; for example, a \$5 million Mabalane penitentiary project was begun to relieve overcrowding at Machava central prison. The new women's prison at Ndlavela designed for 200 inmates largely was completed but remained unoccupied, due to the lack of a security complement and some unspecified equipment. Independent newspapers criticized the National Directorate of Prisons under the Ministry of Justice for allowing the facility to become a grazing ground for cattle and a de facto brothel.

International as well as national human rights groups may have access to prisoners at the discretion of MOJ and MOI authorities, but officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. A rapporteur from the African Human Rights Commission toured the country's prisons for 10 days (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of preventive imprisonment be set by law; however, the