

## Submission to the 79<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights on the situation of human rights defenders

# MOZAMBIQUE

April 2024

The International Service for Human Rights (ISHR) and the Mozambique Human Rights Defenders Network (RMDDH) acknowledge the periodic report submitted by the government of Mozambique to the African Commission on Human and Peoples' Rights (ACHPR), covering the period from 2015 to 2021. Mozambique submitted this report in compliance with its obligations under Article 62 of the African Charter on Human and Peoples' Rights (African Charter). This shadow report provides additional or contradictory information regarding some of the issues addressed in Mozambique's state report on the African Charter, particularly concerning the situation of human rights defenders.

### Situation of Human Rights Defenders in Mozambique

1. The second periodic report of the Republic of Mozambique, covering the period from 1999 to 2010, underwent review by the African Commission on Human and Peoples' Rights (ACHPR) during its 55th Ordinary Session, convened in Luanda, Angola, from April 28 to May 12, 2014. The ACHPR's assessment acknowledged Mozambique's demonstration, as outlined in the report, of several progressive measures aimed at promoting and safeguarding human rights. However, it also highlighted a notable deficiency in the provision of information concerning legislative actions and initiatives implemented to ensure the protection of human rights defenders.
2. Furthermore, specific concerns regarding rights issues and measures essential to the work of human rights defenders and journalists were identified. The ACHPR expressed concerns regarding the delay in revising the Draft Associations Bill, the constraints on freedom of expression stemming from laws criminalizing libel and defamation, and instances of harassment targeting journalists. Additionally, the protracted review process of the regulatory framework governing the operations of civil society organizations was noted.
3. Consequently, the ACHPR recommended that the State undertake legislative measures to safeguard human rights defenders, including the enactment of laws ensuring their protection. It advised taking appropriate steps to decriminalize defamation and press-related offenses, thereby ensuring the freedom of expression and press necessary for journalists to operate freely. Moreover, the African Commission urged the enactment of legislation facilitating the registration and operation of civil society organizations.
4. However, upon analyzing the latest report submitted by the Mozambican government, it is apparent that many of the recommendations were not taken into account, and the situation regarding the implementation of the African Charter in Mozambique remains unclear regarding human rights defenders. Below, we will present the concerns and key points noted by ISHR and RMDDH:

- ***Lack of specific legislation for the protection of human rights defenders continues***

5. The current legal framework protecting the rights enjoyed by defenders in Mozambique remains grossly inadequate and disperse. The Constitution of the Republic of Mozambique (the Constitution) purportedly recognizes and safeguards fundamental rights and freedoms, including those of human rights defenders. However, this recognition does not reflect the harsh realities on the ground. The Constitution is often touted as the primary source of protection for human rights defenders in the country, supposedly, enshrining rights such as freedom of expression<sup>1</sup>, freedom of assembly and peaceful demonstration<sup>2</sup>, freedom of association<sup>3</sup>, freedom of residence and movement<sup>4</sup>, freedom and security,<sup>5</sup> and the right of access to the courts<sup>6</sup>. Yet, in practice, these rights are routinely violated, and defenders are met with hostility, intimidation, and violence.
6. Article 43 of the Constitution says lip service to the interpretation and integration of guarantees of fundamental rights and freedoms in line with international human rights instruments such as the Universal Declaration of Human Rights and the African Charter. However, these lofty proclamations are starkly contradicted by the harsh realities faced by human rights defenders on the ground.
7. Furthermore, Mozambique's ratification of international instruments like the International Covenant on Civil and Political Rights and the African Charter holds little weight when these commitments are not translated into meaningful protections for defenders. The State's obligation to respect the resolutions and declarations such as the numerous resolutions adopted on the Situation of Human Rights Defenders in Africa by the African Commission and the UN Declaration on Human Rights Defenders remains largely ignored, with little to no enforcement or accountability mechanisms in place.
8. In addition, while other laws in Mozambique may contain provisions ostensibly aimed at protecting human rights defenders, their efficacy is questionable in the absence of comprehensive and specific legislation addressing the unique challenges faced by defenders.
9. Overall, the legal framework in Mozambique falls woefully short of providing adequate protection for human rights defenders, leaving them vulnerable to threats, harassment, attacks and persecution.

***Limitation of the right to Freedom of Expression***

- ***New laws in discussion, undermining freedom of press and expression and attacks against journalists***

10. ISHR and RMDDH acknowledge Mozambique's existing legal framework for the exercise of freedom of opinion, expression, and information, as stated in paragraph 154 of the report submitted by the government, along with the growing number of media outlets in the country (paragraph 155). However, these alone are insufficient to assert that freedom of expression is fully enjoyed in the country. Particularly in light of attempts through new

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<sup>1</sup> Article 48 of the Constitution of the Republic of Mozambique

<sup>2</sup> Article 51 of the Constitution of the Republic of Mozambique

<sup>3</sup> Article 52 of the Constitution of the Republic of Mozambique

<sup>4</sup> Article 55 of the Constitution of the Republic of Mozambique

<sup>5</sup> Article 59 of the Constitution of the Republic of Mozambique

<sup>6</sup> Article 62 of the Constitution of the Republic of Mozambique

legislative proposals that clearly undermine the realization of this right. Numerous cases demonstrate a glaring failure of the state to protect and uphold the rights of journalists and all those who express themselves on important national issues.

11. Although Article 48 of the Mozambican Constitution provides for freedom of expression and the press, including for journalists and other media professionals, the Government does not always effectively respect these freedoms. The fear of reprisals when criticizing the Government is evident among journalists, academics, opposition leaders, and civil society. In 2023, Mozambique ranked 102nd out of 180 countries in the Press Freedom Index, an assessment by Reporters Without Borders<sup>7</sup>.
12. Freedom of expression and the press is being undermined in Mozambique, as new laws that would limit journalists' workspace and freedom of expression in general were still under discussion from a legal standpoint at the parliament<sup>8</sup>. The proposed Media Communication<sup>9</sup> and Broadcasting<sup>10</sup> Laws, first presented to Parliament in 2021, continue to spark controversial debates, as they could potentially affect, control, or impose restrictions on both national and international media outlets. These laws raise concerns as journalists would lose the right to defend themselves in cases of defamation against the President of the Republic (although the right to defense is enshrined in the Constitution), and the number of correspondents from international media outlets would be limited to two per entity, among other provisions. If adopted, these laws would represent a worrisome criminalization of journalists' work, paving the way for self-censorship among media professionals.
13. Furthermore, a new and controversial anti-terrorism law, was adopted and published in July 2022<sup>11</sup>, whose Article 20 (Disclosure of Information), part 2, provides for a prison sentence of two to eight years for those who intentionally disseminate false information about a terrorist act. This provision could threaten freedom of expression and the press. It gives authorities a blank check to silence media outlets, activists, human rights defenders, and civil society in general when it comes to independent reporting on terrorist acts and, for example, the conflict in Cabo Delgado, where Mozambican defense and security forces are operating.
14. Many attacks against journalists, led by security agents or government officials, have been reported in recent years, including against journalists who have exposed human rights violations committed by these actors and by violent and extremist groups in the context of the conflict in Cabo Delgado. With the escalation of attacks since 2018, the Government has increased its military presence in the region, intimidating and preventing journalists from reporting on the ground.

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<sup>7</sup><https://rsf.org/en/country/mozambique>

<sup>8</sup><https://www.voaportugues.com/a/mo%C3%A7ambique---lei-da-imprensa-no-parlamento-pode-representar-retocesso-avisam-analistas-pol%C3%ADticos/6563581.html> and <https://www.dw.com/en/press-freedom-in-mozambique-under-pressure/a-56962703>

<sup>9</sup> <https://www.misa.org.mz/index.php/publicacoes/legislacao/legislacao-nacional/111-proposta-de-lei-da-comunicacao-social-2021>

<sup>10</sup> <https://www.misa.org.mz/index.php/publicacoes/legislacao/legislacao-nacional/112-proposta-de-lei-sobre-a-radiodifusao-em-mocambique-2021>

<sup>11</sup> Lei n.º 13/2022, que Estabelece o Regime Jurídico de Prevenção, Repressão e Combate ao Terrorismo e Proliferação de Armas de Destruição em Massa e revoga a Lei n.º 5/2018, de 2 de Agosto, 8 de Julho de 2022, <https://www.mef.gov.mz/index.php/publicacoes/legislacao-dngrh/1637-br-131-i-serie-2022/file>

15. In October 2022, police officers arrested journalist Arlindo Chissale in the district of Balama, Cabo Delgado, while he was photographing public institutions, and detained him for five days<sup>12</sup>. The provincial prosecutor accused Chissale of being an "insurgent" and gathering information for terrorist acts. However, the District Court of Balama subsequently rejected the terrorism charge and granted Chissale provisional freedom. He is awaiting trial for a lesser offense.
16. On January 18, 2019, Germano Daniel Adriano, a journalist from the Community Radio and Television Nacedje de Macomia, was arrested without a judicial order in the district of Macomia while covering the armed violence plaguing Cabo Delgado. He was taken to Mizeze prison (near Pemba) to await trial<sup>13</sup>. Under accusation of "violating state secrets and publicly inciting a crime." The charges against him would be based on evidence allegedly found on the journalist's computer equipment and are similar to those presented against his colleague Amade Abubacar<sup>14</sup>.
17. Amade Abubacar, a journalist from the Nacedje Community Radio and Television of Macomia, Cabo Delgado, was detained on January 5, 2019, by police officers in Macomia, without an arrest warrant<sup>15</sup>. At the time of his arrest, Amade was interviewing people who had fled their homes due to the escalation of violent attacks carried out by individuals believed to be members of an extremist group. The police handed him over to the military, who took him to a detention center in the Mueda district, where he was kept incommunicado for 12 days. During this period<sup>16</sup>, Amade was allegedly subjected to various forms of mistreatment, which may amount to torture. On January 25, 2019, Amade told representatives of the Mozambique Bar Association (OAM) that military officers violently shook his body several times and forced him to sleep in handcuffs. He also confirmed that he had been deprived of food for several days. Authorities reportedly investigated Amade for "public incitement through electronic means" and "violation of state secrets", under articles 322 and 323 of the Mozambican Penal Code. On 16 April 2019, he was formally arrested and charged with "violating state secrets and publicly inciting a crime", Amade was released on bail on 23 April 2019, along with his colleague Germano Daniel Adriano. According to article 308, §1º, n.º 3, of the Code of Criminal Procedure, a person cannot be held in preventive detention for more than 90 days after their arrest. Therefore, his arrest and continued detention violated the Constitution and Mozambique's obligations under the African Charter to respect and protect the rights to

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12 Ver Observatório, Alerta Urgente, "Mozambique: Threats against prominent rights defenders Adriano Nuvunga", 19 de Agosto de 2022, <https://www.fidh.org/en/region/Africa/mozambique/mozambique-threats-against-prominent-rights-defender-adriano-nuvunga>

13 Observatório, Alerta Urgente, "Mozambique: Threats against prominent rights defenders Adriano Nuvunga", 19 de Agosto de 2022, <https://www.fidh.org/en/region/Africa/mozambique/mozambique-threats-against-prominent-rights-defender-adriano-nuvunga>

14 Ver <https://clubofmozambique.com/news/journalist-germano-daniel-adriano-charged-with-violation-of-state-secrecy-misa/>

15 Ver Observatório, Alerta Urgente, "Mozambique: Threats against prominent rights defenders Adriano Nuvunga", 19 de Agosto de 2022, <https://www.fidh.org/en/region/Africa/mozambique/mozambique-threats-against-prominent-rights-defender-adriano-nuvunga>

16 Ao abrigo da lei moçambicana, os militares estão proibidos de manter detidos em quartéis militares. Os suspeitos detidos durante operações militares devem ser entregues à polícia, que procederá às detenções e libertará os suspeitos ou os acusará no prazo de 48 horas.

freedom of expression and due process, including the right to be presumed innocent until proven guilty according to law. Subsequently, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye, and the President-Rapporteur of the Working Group on Arbitrary Detention, Seong-Phil Hong, stated at that time that Amade's arrest could have "a chilling effect on the exercise of the right to freedom of expression in Mozambique"<sup>17</sup>.

18. In December 2018, Estácio Valoi, an investigative journalist, and David Matsinhe, a researcher for Amnesty International, were detained by the military and held incommunicado for two days in the district of Mocímboa da Praia, accused of "spying" and "assisting and encouraging an extremist group"<sup>18</sup>. They were released without charges, but the military confiscated their equipment for "further investigation"<sup>19</sup>.
19. On June 29, 2018, Pindai Dube, a Zimbabwean journalist from eNCA, a news organization based in South Africa, was arrested by the police in Pemba while investigating terrorist attacks and military uprisings in Cabo Delgado, and later accused of "espionage"<sup>20</sup>. He was released on July 1, 2018, two days later, without any charges<sup>21</sup>.
20. In March 2018, journalist and human rights lawyer Ericino de Salema was abducted in broad daylight in Maputo City, on Avenida 24 de Julho, one of the busiest streets in the capital, and beaten by unidentified individuals<sup>22</sup>. The journalist and lawyer was then abandoned on the road with serious injuries. There were no arrests in the case, and no one was held accountable for the attack.
21. On June 2023, the RMDDH noted acts of intimidation against journalists by leaders of the Nampula Municipal Council, located in the northern part of the country. According to reports from the Provincial Nucleus of MISA Mozambique in Nampula, the first case occurred on June 12, 2023, during the presentation of two ambulances donated to the municipality of Nampula as part of a twinning agreement with the Nampula Municipal Council<sup>23</sup>. On the occasion, the President of the Nampula Municipal Council, Paulo Vahanle, demanded the removal of journalist Elisa Fernando and image reporter José Arlindo, both from Televisão de Moçambique - TVM, during the event. In an audio shared by the team of affected reporters, Vahanle justified his attitude by the fact that the public

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17 Ver Especialistas da ONU, comunicado de imprensa, "Mozambique: UN experts concerned about the detention of journalist Amade Abubacar", 25 de Janeiro de 2019, <https://www.ohchr.org/en/press-releases/2019/01/mozambique-un-experts-concerned-about-detention-journalist-amade-abubacar>

18 Idem

19 Ibid

20 Ver Observatório e outros, Comunicado de Imprensa, "Mozambique: Civil society groups call for the unconditional and immediate release of radio journalist", 11 de Abril de 2019, <https://www.fidh.org/en/issues/human-rights-defenders/mozambique-civil-society-groups-call-for-the-unconditional-and>

21 Ver <https://clubofmozambique.com/news/breaking-news-enca-correspondent-pindai-dube-released-in-cabo-delgado-mozambique/>

22 Ver Observatório e outros, "Open Letter to the Government of Mozambique: Killing of activist Dr. Anastacio Matavel and restrictions on civic space mar upcoming elections", 14 de Outubro de 2019, <https://www.fidh.org/en/issues/human-rights-defenders/open-letter-to-the-government-of-mozambique-killing-of-activist-dr>

23 <https://www.facebook.com/photo/?fbid=656227496551631&set=a.639485111559203>

broadcasting channel did not show his image during the Id Ul-Fitr ceremony, which marks the end of the Islamic community's 30-day fast.

22. On 11 October 2023, In Inhambane, at the STAE headquarters in Vilanculos, two journalists from Stronglive Tv (Noa Cossa and Paulino Raimundo) and two election observers from “Consórcio Mais Integridade” were detained on October 12th when they covered a spontaneous demonstration during the announcement of intermediate results that gave victory to FRELIMO. During this coverage, the population denied the reported results and the Rapid Intervention Force (FIR) fired tear gas to disperse the protesters and as a tragic result, these actions resulted in a nearby street vendor who lost his life due to exposure excessive tear gas.
23. During the municipal elections on 11 October 2023, the Police was involved in limiting the exercise of the right to freedom of the press. According to MISA Mozambique, an image reporter from Televisão Académica, named Leonardo Limane, was attacked by agents from the Rapid Intervention Unit (UIR), after having filmed a group of citizens who refused to go home, allegedly because they wanted to control the vote counting process at Escola Primária Completa Macombe, in Munhava<sup>24</sup>. As a result of the attack, the reporter suffered a sprain and injury to the ankle area of his left foot, according to the medical report, and was recommended to rest for 15 days. Still in Beira, three other reporters from Televisão Académica who were covering the election night were threatened and intimidated by UIR agents.
24. The MISA Mozambique statement also reports that in Quelimane, the reporter Luís Simindila, from Radio Zambézia FM, saw its material ripped off by a police officer, in the middle of the broadcast directly on the broadcasting station<sup>25</sup>. Simindila was interviewing the Renamo candidate delegate, who had gone to the 3rd Police Station to report a case of 11 ballot papers found outside the ballot boxes, when the agent took the reporter 's microphone and cell phone away. Still in Quelimane, a reporter from Nova Rádio Paz was prevented from covering the confusion that arose when the president of one of the polling stations at the Coalane Primary School refused to sign the results report. In addition to being prevented from doing his job by the chairman of the board, the Nova Rádio Paz reporter was also banned from taking pictures by police officers.
25. TV Sucesso team was banned from covering the vote count at EPC Polana Caniço B. Members of the panel closed the door to the room to prevent the camera operator , Valdo Massingue, from taking pictures of the vote count. Inside the room, reporter Coutinho Macanandze and the panel members had to resort to get out of the situation. Meanwhile, three PRM agents witnessed a flagrant attack on a journalist while carrying out his duties.

### ***Limitation of the right to association and assembly***

#### ***- A bill that limits the right to association***

26. In paragraph 158, the report emphasizes that freedom of association and assembly entails the right to freely associate with other citizens, to form and join unions for the protection of their interests. Paragraph 160 references that "...The Government of Mozambique and

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<sup>24</sup> <https://www.facebook.com/photo/?fbid=727616206079426&set=a.639485111559203>

<sup>25</sup> <https://www.facebook.com/photo/?fbid=727616206079426&set=a.639485111559203>

civil society organizations have been working closely together for human development...". However, without consulting the main stakeholders, citing an attempt to prevent money laundering and terrorist financing among civil society organizations, the bill establishing the legal framework for the creation, organization, and functioning of non-profit organizations was approved by the Council of Ministers on September 6, 2022, and presented to Parliament in October 2022. This came as a surprise to civil society actors, including the National Human Rights Commission (CNDH). In fact, civil society was not consulted in the drafting of the bill, which aims to govern its creation and operation. Such a law is crucial for the working environment of human rights defenders in Mozambique.

27. Contrary to what the report refers to in paragraph 161, this Bill poses a threat to freedom of association and civic space in Mozambique, and if passed in its current state, it would, among other things: make it easier for the government to dissolve civil society organizations, impose heavy and burdensome information requirements on civil society organizations, allow government interference in the operations of civil society organizations, limit the ability of organizations to use their funds and assets as they wish, as well as their access to funding, and limit membership in civil society organizations to Mozambican citizens or permanent residents (thus denying the right to freedom of association to migrants, asylum seekers, children, among others)<sup>26</sup>.
28. The Bill raised many concerns among civil society actors, the international community, and international human rights mechanisms. In March 2023, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the United Nations Special Rapporteur on the situation of human rights defenders, and the United Nations Special Rapporteur on human rights and counter-terrorism published an analysis of the bill<sup>27</sup>. This analysis included encouraging consultation with civil society, more transparent and less discriminatory processes among others. Other international actors, such as the European Union Delegation, embassies, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) - all gathered under the Observatory's mission - advocated for the withdrawal of the bill and consultation with civil society before presenting a new bill.
29. The bill was eventually withdrawn from Parliament in March 2023, which was considered a positive outcome by international actors and representatives of civil society gathered with the Observatory's mission. An action plan was agreed upon between the government and the Financial Action Task Force (FATF), with next steps including a national consultation with civil society in all provinces and a risk analysis of non-profit associations (not all non-profit associations may be exposed to the same level of money laundering or terrorist financing risks, thus requiring more specific measures).

**- Refusal of official registration for an LGBTQIA+ organization**

30. Although homosexuality became legal in Mozambique under the new Penal Code, which came into effect in June 2015 (revised in 2019), LGBTQIA+ rights organizations continue to face de facto discrimination in accessing the right to freedom of association in

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<sup>26</sup> <https://liberdadeedeassociacao.org>

<sup>27</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27917>

Mozambique. For example, the Mozambican Association for the Defense of Sexual Minorities (LAMBDA) <sup>28</sup> the largest LGBTQIA+ organization in Mozambique, advocating for economic, social, and political rights as well as sexual and reproductive health of LGBTQIA+ individuals, has struggled to be registered for over 15 years.

31. Since 2008, repeated requests to the Ministry of Justice, responsible for registering non-governmental organizations, have gone unanswered. The Government has denied legal registration of for an LGBT organization LAMBDA based on Article 1 of the Associations Law of 1991<sup>29</sup>, which states that organizations can only be accepted if they benefit "the moral, social, and economic order of the country and do not offend the rights of third parties or the public good".
32. LAMBDA and other LGBTQIA+ groups brought the issue to the Constitutional Council, which in a 2017 ruling, decided that the registration of these organizations could not be denied based on "morality" and the "public good", thus deeming Article 1 of the Associations Law unconstitutional. However, the Constitutional Council did not order the Government to officially register these groups. Consequently, LAMBDA resubmitted a request to the Administrative Court, seeking a decision that would compel the Government to respond to the registration request, but as of the publication of this note, the Court had not responded. The United Nations Human Rights Council has been urging, especially during Universal Periodic Reviews, for the Mozambican state to register LAMBDA since 2011.
33. Other LGBTQIA+ groups face similar challenges in legally registering their associations, in clear violation of their right to freedom of association, recognized in the Mozambican Constitution and International Law, as until the publication of this note, no LGBTQIA+ rights organization had been legally registered. This refusal of legal registration also poses obstacles in accessing funding and, consequently, the functioning of these organizations.

- ***Restriction of the right to demonstrate using excessive force by the Police***

34. In Mozambique, the right to freedom of demonstration is enshrined in Article 51 of the Constitution as well as Article 21 of the African Charter to which Mozambique is a State party, and protest organisers do not require a government official authorisation to hold a demonstration, but should rather notify the local authorities in writing at least four days in advance.
35. Human rights organisations, including RMDDH, documented the recurrent and excessive use of force by the police in the management of peaceful demonstrations in Mozambique, including killings, arbitrary arrests and detentions, physical attacks, threats and intimidation, etc<sup>30</sup>. On December 7, 2021, police officers violently disbanded a protest against gender-based violence in Maputo in the framework of the 16 Days of Activism to End Violence against Women UN campaign. The participants were reportedly beaten by

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<sup>28</sup><https://lambda.org.mz/>

<sup>29</sup> Lei das associações, 18 de Julho de 1991, <https://gazettes.africa/archive/mz/1991/mz-government-gazette-series-i-supplement-dated-1991-07-18-no-29.pdf>

<sup>30</sup> <https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2023/06/Quarterly-report-on-the-situation-of-Human-Rights-Defenders-in-Mozambique-January-to-March-2023.pdf>



- the police (filmed evidence is available), and 20 women rights defenders were arbitrarily detained and released on the same day without charge.
36. The police argued that the demonstration had not been authorised, although the Mozambican Constitution and the law on freedom of assembly and peaceful demonstration only requires a prior notification, which was made by the organisers on November 29, nine days before the protest. On January 31, 2022, the civil society coalition *Observatório das Mulheres* (Women's Observatory) and ActionAid Mozambique filed a complaint with the Attorney's General Office against the police officers for "interference and making it impossible to exercise the right to demonstrate", but at the time of publication of this note, the case was still under investigation.
  37. In the second quarter of 2023, serious restrictions on the right to demonstrate and excessive use of force by the Police continued to be registered. In particular, on May 2nd, the RMDDH accompanied the violent and illegal repression by the Police of the Republic of Mozambique against residents of the town of Mafuiane, during a demonstration that aimed to express concerns about the degradation of National Road 2 (EN2) in the province of Maputo, Mozambique<sup>31</sup>.
  38. During the demonstration, residents of Mafuiane chose to place barricades on the EN2, which connects the districts of Boane and Namaacha, as a form of protest. However, the Rapid Intervention Unit (UIR) agents acted brutally, removing the barricades and using tear gas, in addition to making at least two arrests. According to reports from residents, the degraded road generates a large amount of dust, which threatens the right to health, as established in Article 89 of the Constitution.
  39. Although the need to guarantee the circulation of vehicles on the EN2 is understandable, in order to preserve the right to free movement of people, it is essential to highlight the disproportionate use of force to disperse protesters, which violates the provisions of paragraph 3 of article 7 of Law no. 9/91, of 18 July, amended by Law no. 7/2001, of 7 July. The aforementioned law establishes that "the use of means that put the lives of participants or protesters at risk is not permitted, without prejudice to the principle of proportionality of means and self-defense".
  40. Furthermore, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that "when dispersing illegal but non-violent demonstrations, law enforcement officials shall avoid the use of force or, if this is not possible, they must restrict that force to the minimum necessary".
  41. On March 18, 2023<sup>32</sup>, following the death of rapper **Azagaia**, the Police illegitimately restricted, using excessive force and brutal violence, national and provincial marches in honor of the musician, well-known for his denunciation of human rights violations, social injustices and inequalities in his songs.
  42. According to official data from the coordination group of the peaceful demonstration of March 18, 2023, published during a press conference, on March 21, 2023, police violence caused at least 19 injuries that required medical intervention, including two protestors

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<sup>31</sup> <https://www.facebook.com/RMDDHMoz/photos/pb.100070636984682.-2207520000/621422993337270/?type=3>

<sup>32</sup> [https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2020/12/Relatorio-trimestral-sobre-a-situacao-dos-Defensores-de-Direitos-Humanos-em-Mocambique\\_Abril-Junho-de-2023-5.pdf](https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2020/12/Relatorio-trimestral-sobre-a-situacao-dos-Defensores-de-Direitos-Humanos-em-Mocambique_Abril-Junho-de-2023-5.pdf)

who lost their eyes after being shot with rubber bullets by the police rapid intervention unit (UIR) in Maputo City.

43. In Lichinga, the capital of Niassa Province, the representative of the group organising the march was held for an extended period of time by the National Criminal Investigation Service (*Serviço Nacional de Investigação Criminal* - SERNIC) to respond to an inquiry and was only released after the Mozambique Bar Association intervened.
44. In Nampula, more than 16 people were arrested and seriously injured. In the same province, the signatory of the march communication letter submitted to the Nampula City Council was kidnapped and tortured, burned with hot water and forced to answer questions while the agents claimed to be recording the act.
45. During the recording, he was asked if he was the one who defined heroes in the country. In Chimoio, Manica Province, the march coordination group registered eight arrests for wearing T-shirts with a photo of the singer Azagaia.
46. In Beira, Sofala Province, there were records of more than ten detainees, a citizen being run over and in serious condition and a minor injured. Among those arrested is the President of the Municipal Assembly of Beira, allegedly for listening to Azagaia's music.
47. In Vilanculos, Inhambane Province, a demonstrator was arrested. In the city of Inhambane, dozens of people were directly affected by tear gas, with emphasis on a lady who felt sick when she had nothing to do with the march. And, in Xai-Xai, Gaza Province, there was one arrested and one injured. The Police used the excuse of a potential coup d'état to explain the repression of these demonstrations.
48. In the last municipal election, more than 200 people were detained for protesting against the electoral results.
  - ***Other challenges faced by human rights defenders in Mozambique: Defamation, Threats, and Impunity***
49. Human rights defenders in Mozambique face a challenging work environment, marked by defamation, threats, and physical attacks. The government often employs defamation as a strategy to discredit and negatively politicize the activities of those who denounce corruption and mismanagement<sup>33</sup>. Impunity is endemic, as evidenced by the case of the murder of Anastácio Matavel, where the masterminds remain free, and by the ongoing attacks on Prof. Adriano Nuvunga, who, despite numerous threats, has not received adequate protection or support<sup>34</sup>.

### **Questions to the Government:**

- What concrete steps does the government plan to take to address these challenges and ensure the effective protection of human rights defenders and the promotion of fundamental freedoms in Mozambique?
- What measures have been taken to prevent attacks of human rights defenders mainly by the defense forces and the police?

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<sup>33</sup> <https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2023/06/Relatorio-trimestral.pdf?fbclid=IwAR2LJGnhulNWzbFb4Wu0vhLe2schG8aAr9pQdm-8oukhwkYOYwogQYZRd3k>

<sup>34</sup> [https://www.fidh.org/IMG/pdf/20230927\\_fidh\\_rapport-obs-mozambique\\_en\\_web.pdf](https://www.fidh.org/IMG/pdf/20230927_fidh_rapport-obs-mozambique_en_web.pdf)

- Will the government ensure that NGO working on issues related to the protection of the rights of LGBTIQ+ can register and be allowed to operate legally without discrimination?
- Were individuals and organisations working on the protection of human rights defenders, involved in the preparation of Mozambique's 3<sup>rd</sup> Periodic Report?

**ABOUT THIS BRIEFING PAPER**

This Shadow Report is a joint submission by the ISHR and the RMDDH.

For further information on Mozambique's periodic review for the 79<sup>th</sup> Ordinary Session of the ACHPR, contact Adélaïde Etong Kame ([a.etong@ishr.ch](mailto:a.etong@ishr.ch)).