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MOZAMBIQUE

@The role of the United Nations in the protection of human rights under the General Peace Agreement

January 1993

AI Index: AFR 41/01/93

Distr: SC/CO/GR

The General Peace Agreement of 4 October 1991 between the Government of the Republic of Mozambique and the *Resistência Nacional Moçambicana* (RENAMO), Mozambique National Resistance, requires that both parties guarantee the exercise of human rights and fundamental freedoms. The agreement constitutes an opportunity for the United Nations (UN) Operation in Mozambique (ONUMOZ) and UN member states, particularly those which are participating as observers of the General Peace Agreement, to assist Mozambicans in building a future in which human rights will be respected.

For almost two decades Amnesty International has documented the serious human rights abuses which have occurred in Mozambique and, while it welcomes the General Peace Agreement, it is concerned that the monitoring mechanisms it contains appear to be insufficient for the investigation of any human rights violations which may occur in the future. Nevertheless, Amnesty International believes that protection for human rights could be substantially increased if the agreement is interpreted in accordance with international standards.

Amnesty International is calling upon the UN to urge ONUMOZ to:

- ! pay special attention to the promotion and monitoring of respect for the human rights provisions of the General Peace Agreement, bearing in mind international human rights standards in general;
- ! to ensure that its reports to the UN Secretary-General contain full information about reports of human rights violations and the way these are investigated and remedied by the competent authorities;
- ! to ensure wide dissemination of the Secretary-General's periodic reports in Mozambique as this will have a deterrent and educational effect: first, the parties' leaders would be made more aware of the international implications of respect for human rights; secondly, victims and witnesses would be informed of the importance of making complaints; and thirdly, specific cases not resolved at the national level could be followed up within the UN procedures.

Amnesty International is also calling upon the UN to:

- ! urge the parties to accept the UN Secretary-General's proposals for the deployment of UN police monitors to monitor civil liberties and to provide technical advice to the National Police Affairs Commission set up under the General Peace Agreement to monitor the neutrality of the police;
- ! call upon the UN Centre for Human Rights in Geneva to encourage the establishment and development of local human rights institutions which can advance respect for human rights both in the period covered by the agreement and in the future;
- ! consider further specific suggestions regarding increased human rights protection which are outlined below.

In other countries, peace-keeping operations similar to ONUMOZ have been jeopardized by the failure to investigate and remedy human rights violations and other breaches of the agreement. In Amnesty International's experience, ignoring human rights violations creates a sense of impunity which inevitably gives rise to further violations. The UN is committed to promoting respect for human rights and fundamental freedoms, yet few of the peace agreements in which the UN has been involved in recent years have contained adequate provisions for monitoring, investigating and remedying human rights violations.

The Supervisory and Monitoring Commission (CSC) set up to implement the General Peace Agreement operates on a basis of consensus. However, where human rights issues are concerned, the principle of consensus effectively allows either party to veto any investigation into a human rights violation which might implicate its own members. This contradicts the fundamental principles of impartiality and independence which are essential in the investigation of human rights violations. In the similarly structured Peace Accords for Angola, the principle of consensus appears to have been a major reason for the failure to investigate and remedy human rights violations which took place before the elections there. Similarly, in Mozambique, the kind of human rights violations which Amnesty International has observed in the past,

including politically-motivated killings, could recur as political parties compete for power in a situation where the divisions created by the war remain deep.

The success of any peace-keeping operation depends, of course, on the way it is implemented and its provisions interpreted. Steps have already been taken to reduce the chances of renewed conflict in Mozambique. The UN Secretary-General has stated that elections should not be held before the planned unified army has replaced the existing forces. UN member states have donated funds which will help to support the transition to civilian life of demobilized soldiers and destitute people and reduce the potential for political violence.

In another measure, the UN Secretary-General has proposed, subject to the agreement of the parties, the deployment of 128 UN police monitors who, by monitoring the neutrality of the Mozambican police would help, in the UN Secretary-General's words, "to inspire confidence that human rights violations will be avoided"¹. The UN police monitors could enhance the independence of the mechanisms set up under the General Peace Agreement to monitor the neutrality of the Mozambican police.

Amnesty International welcomes the steps that have already been taken to increase protection for human rights in Mozambique during the period covered by the General Peace Agreement. It has written to the UN Secretary-General to suggest ways to achieve this goal.

It is also calling on UN member states, particularly those acting as observers of the General Peace Agreement, to consider and promote the suggestions outlined below.

- ! The CSC should include in its own terms of reference and those of its sub-commissions a specific requirement to ensure that any future human rights violations are independently and impartially investigated and remedied.
- ! An independent and impartial human rights monitoring body should carry out investigations in accordance with internationally recognized procedures and make recommendations concerning remedies and preventive measures.
- ! All political parties should make it clear to their followers that human rights violations will not be tolerated. They and the observer governments should encourage the general public in Mozambique to bring to the attention of the authorities, including the monitoring bodies, any human rights violations which may occur.
- ! The reports of monitoring bodies, including the UN, should contain full information about cases of human rights violations, the results of investigations and the remedies taken. These reports should be published on a frequent and regular basis as publicity is an important stimulant to respect for human rights.

¹ As of late January 1993 the parties had apparently not yet agreed to the deployment of UN police monitors.

- ! The commission responsible for the formation of the unified armed forces should also be made responsible for ensuring that recruits are selected with a view to their suitability and personal integrity and for ensuring that they are thoroughly trained in the impartial protection of human rights and respect for humanitarian principles. Police recruits should also undergo rigorous selection procedures and thorough human rights training.
- ! The parties should be encouraged to agree to the UN Secretary-General's proposal to deploy UN police monitors.
- ! The role of ordinary citizens, of un-armed political organizations and of local non-governmental organizations, including religious groups and independent journalists, is of vital importance. They should be given encouragement and material assistance to enable them to play an active part in the peace process by bringing human rights issues to attention of the monitoring bodies and by devising and participating in activities to promote reconciliation and overcome the enormous barriers erected by the conflict.

KEYWORDS: UN1 / INVESTIGATION OF ABUSES / ARMED CONFLICT /