

Human rights and the police

In 1999 it appeared that the incidence of torture and extrajudicial executions at the hands of the police in Mozambique was declining. However, new cases of torture have been reported in 2000 (see AI Index AFR 41/01/00). The case of Tomás Nhacumba and Gildo Bata gives further cause for deep concern about the violation of human rights by the police.

Complaints about alleged police misconduct may be made to the relevant police station or to the Procurator General's office. In the past, inquiries into human rights violations by police have been marred by police attempts to cover up their misconduct and judicial inquiries have been slow. This has inculcated a sense of impunity.

Following Mozambique's first multi-party elections in October 1994, it was decided to restructure and retrain the police. In 1997 a project was agreed. Under the coordination of the government and the United Nations Development Program, members of the Spanish Civil Guard trained 66 police instructors who, between 1997 and the end of 1999, retrained about 4,100 officers. Originally, the whole police force — more than 18,500 officers — were to be retrained, but the project was scaled down to about 4,500 officers because of lack of funding.

By 1999, police patrols were more frequently seen in the streets of Maputo, and police salaries had been increased. Other reforms included the appointment of magistrates attached to the Procurator General's office to review and confirm detentions within 48 hours of arrest.

Despite economic growth in recent years, Mozambique has remained one of the poorest countries in the world. The floods which occurred in early 2000 severely damaged the infrastructure and economy. It is vital that further efforts are made to put an end to corruption within the police and to ensure that officers are trained in the observance of human rights standards. The case of Tomás Nhacumba and Gildo Bata shows that action is urgently needed to eliminate the practice of torture and extrajudicial execution by the police.

Public



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MOZAMBIQUE

Suspected extra-judicial executions

Tomás Paulo José Nhacumba and Gildo Joaquim Bata

Tomás Paulo José Nhacumba and Gildo Joaquim Bata were arbitrarily arrested during the night of 31 March 2000 in Maputo, the capital. They were apparently killed in custody because they refused to pay a bribe. Gildo Bata had been accused of being in possession of a gun. On the following day, 1 April, police brought the two men, in handcuffs, to Gildo Bata's home. They asked the family to pay a large sum of money for the release of the two men. The family was unable to pay the amount requested and the two were taken back to the *16ª Esquadra* (16th Squadron) police station (also known as the Chopal station) in a Maputo suburb.

Gildo Bata's family said that the police had been rough with the detainees and one of them appealed to the police not to beat them. A family member took lunch to the detainees. When she returned to the *16ª Esquadra* to bring their evening meal, Gildo Bata and Tomás Nhacumba were no longer there.

On Sunday 2 April relatives again visited the *16ª Esquadra* and were told that the two men had been taken to the office of the *Polícia de Investigação Criminal* (PIC), Criminal Investigation Police. At the PIC they were told that their queries could not be answered until the next day. On Monday 3 April they were informed that their relatives had not yet been brought to the PIC.

The relatives searched in vain at the 16^a Esquadra and at other police stations around the city. Gildo Bata and Tomás Nhacumba seemed to have “disappeared”. The only place to look for them was the morgue.

On 4 April, Tomás’s brother and members of the Procurator General’s office attached to the 16^a Esquadra visited the morgue. They were told that the names Gildo Bata or Tomás Nhacumba were not on the register. A search in the morgue revealed that two bodies registered under the names of Francisco António and Fabião João were in fact those of Gildo Bata and Tomás Nhacumba. The body of Tomás Nhacumba had a bullet hole in the forehead and one in the heart. Gildo Bata’s body had a bullet hole in the forehead.

The relatives complained to the commanding officer of the 16^a Esquadra who ordered an inquiry. The results of this inquiry, reportedly stated that the detainees had been shot while trying to escape. *The Liga Moçambicana dos Direitos Humanos* (Mozambique Human Rights League) has taken up the case and is pressing the authorities to investigate the matter thoroughly and impartially, so that the suspected perpetrators may be brought to justice.

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Mozambique acceded to the International Covenant on Civil and Political Rights (ICCPR) on 21 July 1993. Article 6 states “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

The United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 34, states that: “Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority...”

WHAT YOU CAN DO

Please write to the government authorities listed below:

- z to express concern at the killing of Tomás Nhacumba and Gildo Bata while in police custody;
- z to call for an independent and impartial inquiry into the deaths of Tomás Nhacumba and Gildo Bata with a view to bringing those suspected of responsibility to justice in a fair trial;
- z to urge for an investigation into all cases of torture and extrajudicial executions and to bring to justice those suspected of perpetrating such acts.
- z to call on the authorities to strengthen the system of internal inspection of police behaviour;
- z to request that an independent and impartial police complaints authority is set up.

Send letters to:

- z The Procurator General: Exmo. Sr. Dr. António Namburete, Procurador Geral da República, Procuradoria Geral da República, Avenida Julius Nyerere, 33, Maputo, República de Moçambique. Fax N° +258 1 49 10 11
- z Minister of Interior: Sua Excelência Almerino Manheneje, Ministro do Interior, Ministério do Interior, Avenida Olof Palme N° 46/48, Maputo, República de Moçambique. Fax N° +258 142 20 84/43 10 48

- z and a copy to the Mozambican diplomatic representative in your country.