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MOZAMBIQUE

Human rights and the police

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As a result of a plan to improve protection for physical integrity and for property “... *the crime rate and breaches of public order and tranquillity have so far been significantly reduced. The police force's professional training department constitutes the backbone of this plan.*” President Joaquim Chissano in his State of the Nation address on 13 April 1998.

Mozambique is engaged in efforts to transform its police force into one which is well trained and equipped, which respects human rights and which provides a service to the Mozambican public. Work to restructure and retrain the police has begun under a project which is supported by international assistance. A reduction in the incidence of human rights violations at the hands of police will be an important measure of the success of these reforms. This report outlines the problems which the police have faced and the reforms in progress. It also shows how the current shortcomings in human rights protection within the police have given rise to torture, ill-treatment, killings and “disappearances” at the hands of police. The aim of this report is to underline the need for the restructuring and retraining of the police to conform to international standards for the protection of human rights.

During the first 10 years of Mozambique's independence the security forces had almost unlimited powers of arrest and detention, and the use of torture by both police and soldiers was rife. The principal victims at this time were suspected members or supporters of the armed opposition *Resistência Nacional Moçambicana* (RENAMO), Mozambique National Resistance¹. The police received very little training and they were expected to support the only legitimate political party, the *Frente para a Libertação de Moçambique* (FRELIMO), Mozambique Liberation Front.

¹ RENAMO was responsible for gross human rights abuses, including mutilation.

In the 1980s, however, pressure from people within the government led to the introduction of reforms. Human rights violations continued, but by the end of the decade, the use of torture had become less frequent and flogging, which had been introduced as a judicial punishment in 1983, was abolished in 1989. The death penalty, introduced in 1979, was abolished in 1990.

Mozambique emerged from the civil war in October 1992. The government and RENAMO had agreed on a peace process which was to be monitored by the United Nations Operation in Mozambique (ONUMOZ). During the UN presence UN soldiers and Civilian Police helped to deter crime. However, after the UN withdrew following the election of a new government in October 1994 the levels of crime rose alarmingly. With the introduction of a free market economy the gap between rich and poor widened, thousands of demobilized soldiers increased the already high numbers of unemployed, access to land was limited by the prevalence of landmines and criminals had easy access to weapons.

The crime wave outstripped the resources of the police who flouted regulations governing their conduct. Reports of torture or ill-treatment of detainees are frequent. Police have also been responsible for beating, killing and injuring people through excessive use of force.

The persistence of human rights violations by police officers is due to a variety of problems including poor training and lack of adequate mechanisms to detect and correct improper behaviour. Selection criteria and procedures are inadequate and recruits received six months training at most. There are disciplinary procedures for dealing with breaches of regulations on the basis of which many police have been dismissed or handed over to the courts. However, procedures for receiving and processing complaints by members of the public are inadequate. These problems are compounded by the slow administration of justice which leaves criminals at large and detention centres overcrowded.

The police are under-resourced in terms of buildings, vehicles, and equipment. Poor pay tempts officers to engage in crime and there are strong indications of a more insidious problem - the influence which criminals exert on and within the police force. In some cases, Mozambicans who lost confidence in the police resorted to lynching suspected criminals.

Government officials and members of the National Assembly have acknowledged the need for reform. However, a principal force for change has been public opinion. The protests of ordinary citizens, reports of human rights violations in the media and the work of non-governmental organizations, particularly the *Liga Moçambicana dos Direitos Humanos* (LMDH), Mozambique Human Rights League, have all helped to force the pace of change. Added pressure came from donor countries after three foreigners were shot dead in October and November 1996 - one of them, a Spaniard, had been killed by a stray police bullet. A new Minister of Interior was appointed in November 1996: he announced plans for reform including fighting corruption in the police.

During the peace-keeping operation the UN Development Program had been asked to seek assistance from the international community for the restructuring and retraining of both the

Polícia da República de Moçambique (PRM), Police of the Republic of Mozambique (estimated at about 18,000 members), and the paramilitary *Polícia da Intervenção Rápida* (PIR), Rapid Intervention Police², which is believed to comprise several thousand officers, mostly former soldiers.

After long delays an agreement was signed in June 1997 on a five-year program in which the Spanish *Guardia Civil* would help to restructure Police General Command and organize a program to train police trainers and to retrain 4,000-5,000 police officers. Spain and the Netherlands³ have provided a total of US\$11 million for the program and the Mozambican government is providing 19 billion meticaïs⁴. Further funding is needed in order to retrain the entire police force. Portugal is also providing specialist training to some police in Portugal.

“... what we are trying to do is this: develop a new mentality, a service mentality” Almerindo Manhenje, Minister of Interior, during an interview about policing. Notícias, 1 January 1998

The urgency of reform is evident from the number of reported cases of ill-treatment or torture of criminal suspects in police custody. There have also been some reports of “disappearance” and extrajudicial executions of criminal suspects. The most detailed reports came from Maputo where journalists and the LMDH are able to make inquiries. RENAMO has complained about several instances of police arbitrarily arresting and ill-treating RENAMO supporters but, on the whole, there is little evidence of politically-motivated arrests or ill-treatment.

Torture is used to intimidate prisoners or extract confessions from them. In November 1996 19-year-old triplets were arrested in connection with a complaint by the employer of one of them and held for about three weeks in a police station in Matola, a Maputo suburb. **José Zacarias Moçambique** was handcuffed and given 18 lashes with a whip. His sisters, **Ana and Leonor Zacarias Moçambique** were beaten and forced to have sexual relations with male prisoners. The LMDH reported the case to the Maputo provincial police commander who initiated a criminal investigation and the trial of the officers involved is expected to take place in 1998.

In January 1997 four police officials were each sentenced to seven years’ imprisonment for torturing **Franque Luís Tchembene** to death. The victim, a driver, had been arrested in

² The PIR was set up to carry out protection or crowd control duties during important public events or in response to crises, but in practice PIR detachments have intervened in situations requiring normal policing.

³ The project has been considerably scaled down from when it was first outlined in mid-1995 when several other countries - including Denmark, France, Norway, Russia, South Africa, Sweden, the United Kingdom, and Zimbabwe - expressed an interest in contributing. The cost for the original project was set at US\$32 million

⁴ The rate at the time of writing is 11,495 meticaïs = US\$1.00.

June 1996 and accused of stealing a vehicle from his employer. He was taken to the 7^a *Esquadra*, Seventh Police Station, in Maputo, beaten severely for several hours and thrown into a pool of dirty water into which bullets were fired. Representatives of the LMDH visited the police station and insisted that Franque Luís Tchembene be taken to hospital. He died a few days later as a result of the torture. The LMDH publicized the case and the parliamentary human rights committee requested the Minister of Interior to report on what was being done to investigate the case.

Torture continued throughout 1997 as the following selected cases illustrate. **Maria José Camacho** was reportedly severely beaten by police in Maputo in March. A neighbour had accused her of building a wall across a road and four policemen, acting without any judicial sanction, arrived at her house and began to destroy the wall. When she protested, they handcuffed her and beat her until she fainted. The police took her to see a doctor but did not let her daughter accompany her.

In August **Intepa Faque** died in a police cell in Nacala-Porto, Nampula Province. He and other members of his family were arrested and beaten after one of them was accused of stealing a video machine. Police then reportedly thrust a stick down Intepa Faque's throat, causing severe bleeding. Intepa Faque died two hours later. A police investigation has apparently not concluded.

Crescêncio Sergio Muchanga was reportedly shot dead in October by police who had earlier tortured him severely. He and about 14 other people, including women and children, had been detained in the 1st Police Station in Matola, Maputo, in connection with the theft of a government vehicle. At least five of the detainees were severely beaten and at least two of them were taken at night to the banks of the Matola River where they were buried up to the neck in sand and had shots fired near their heads. In addition, Crescêncio Sergio Muchanga was dragged behind a moving vehicle by a rope attached to his wrists. He was taken back alive to the 1st Police Station. Representatives of the LMDH subsequently saw his body in the morgue bearing what appeared to be bullet holes in the neck and chest. The case was brought to the attention of the Attorney General's office but the results of any inquiry have not yet been made public.

Peter Mashaba, a Swazi businessman, and **Edward Plaatjies**, who was from South Africa, were arrested after they crossed into Mozambique from Swaziland at the Namaacha border post in December 1997 and tortured. They were told that they were suspected of having entered Mozambique illegally. Police burned Peter Mashaba with cigarettes and matches on the stomach and back and in the pubic area. His face was swollen as a result of blows; the tight hand-cuffs and leg irons had left scars on his wrists and ankles; and he was unable to walk easily because of the burns. Both men were subsequently transferred from the border town of Namaacha to the maximum security section of Machava Prison in Maputo. Despite the fact that detainees must normally be brought before an examining magistrate within 24 hours of their arrest Peter Mashaba and Edward Plaatjies were held for over two weeks before they were taken to court on 5 January 1998. The magistrate ordered that they should be released pending trial. However they were not released until 22 January 1998 when the prosecution case was dropped.

In January 1998 the LMDH received information about a group of 13 prisoners who said they had been tortured after their arrest in connection with the discovery, in August 1997, of 12 tons of hashish at the port of Quissanga, Cabo Delgado province. The detainees were arrested in various localities and taken to Pemba, the provincial capital. They said that they had been tortured to make them confess or to attribute responsibility for the alleged crimes to their co-detainees. Nine of the detainees claimed that they had been forced to stand for periods of between 12 hours and three days without food or clean water. Several said that they were subjected to various threats. These included having pistols pointed at their heads, threats of harm to their relatives and threats of being suspended by their feet. There had been no investigation into the reports of torture by the time the trial began before the Cabo Delgado Provincial Court in Pemba in March. During the trial, a police officer denied that he had tortured one of the defendants. In April 1998 12 defendants were convicted of drug trafficking and sentenced to prison terms of between eight and 24 years and seven others were acquitted.

One person reportedly “disappeared” in the custody of a police based in Moamba on the road leading to South Africa. **Abdul Mota** and some other young men had been arrested at a night club in May 1996. They had arrived in four cars which the police impounded. The police took the young men and their cars to the battalion’s base, questioned them about a stolen vehicle (another one, not one of the four impounded vehicles), then released them, saying they could have their impounded cars back when they returned the stolen vehicle. Police subsequently released three of the cars. They could not account for the fourth car and Abdul Mota’s family continued their efforts to locate it. In June 1996, Abdul Mota was reportedly last seen getting into a vehicle in the company of a member of the battalion who subsequently denied any involvement in the “disappearance”. Abdul Mota’s fate and whereabouts remain unknown - he is feared to be dead.

Issufo Aly and **Carlos Cossa** are presumed to have “disappeared” in custody. They were detained in June 1997 and accused of stealing a motorbike. Issufo Aly’s wife said that a week later four members of the Criminal Investigation Police brought him home in hand-cuffs at midnight and demanded a sum of money, which she gave them in the belief that it might save her husband’s life. During the following 10 days, his wife tried to see Issufo Aly but was not given permission to do so. Nearly three weeks after his arrest, when the LMDH made inquiries they were told that the two men had died in a traffic accident. The police subsequently told the press that they had escaped from a police vehicle which had been taking them to court. By the time of writing the LMDH had not been given a detailed explanation of what happened to the two men.

Police have carried out abuses while policing demonstrations or strikes. In May 1996 university students, during a strike for improved study conditions, were subjected to beatings by members of the PIR. Police broke into the campus early one morning when students were preparing their breakfast, arrested four of them, beat them and then released them. One student, a disabled person, was injured on his arms, back and head as the result of a beating and was taken to hospital. No inquiry into these reports is known to have taken place.

“... there are certain standards which must be respected. In what circumstances does a police officer carry a weapon and shoot? These are questions we are studying and ... these are subjects which will have to be taught to the new recruits...” Interview with Almerinho Manhenje, Minister of Interior. Notícias, 1 January 1998.

In January 1998 about 250 security guards employed by Wackenhut, a USA-based security firm, went on strike. Company officials reportedly summoned the police saying they had been attacked by some of the guards. Soon after the police arrived

they opened fire, killing one. One was hospitalized for the removal of a police bullet and at least two others were reportedly beaten by police.

Amnesty International’s recommendations

Amnesty International is appealing to the Mozambique government to ensure that the current developments in its policing policies and practices include: the adjustment of the legal framework so that it conforms fully to national and international human rights standards relevant to policing; strong and effective mechanisms to ensure that police are accountable to the law and to the community as a whole⁵; and thorough training in respect for human rights.

In particular, Amnesty International urges the authorities to:

- C ensure that the legal framework describes the philosophy and nature of policing and includes a specific reference to the responsibility of the police to conform to national and international human rights standards;
- C revise the police disciplinary code in accordance with the provisions of relevant national and international human rights standards and provide it with a statutory basis⁶. The code should contain a provision that officers should report breaches of human rights and that those doing so should be protected from reprisals;
- C set up an effective and independent complaint system which is accessible to the public;
- C develop a means of community participation in policing and recognize that independent monitoring of the police, for example by non-governmental organizations, is not only a legitimate but also a valuable contribution to ensure that the police are “representative of and responsive and accountable to the community as a whole”⁷.

⁵An interesting system of democratic accountability was introduced in the General Peace Agreement for Mozambique. Two committees composed of a cross section of the community whose members were proportionately nominated by the government, by RENAMO and by prominent citizens. They were to monitor the behaviour and impartiality of the ordinary and the security police respectively. Unfortunately there were long delays in setting them up and they did not receive sufficient funding and training. They were disbanded after the elections. The Mozambican police authorities have also sought to consult the community on policing issues but there is no established system of civilian consultation or oversight.

⁶ The present code, which is recognized as being out of date, is based on a 1987 ‘service order’ of the Ministry of Interior (Ordem de Serviço N° 5/GMI/87).

⁷ UN Code of Conduct for Law Enforcement Officials, preambular paragraph (a).

The organization is also appealing to the authorities to include in the system of police training:

- C a thorough understanding of the human rights principles in national and international law and standards and the ability to apply these principles in practice;
- C a routine evaluation of and periodic refresher courses in the continuing application of human rights principles;
- C civilian involvement in police training in human rights as well as in the monitoring of this training.

Amnesty International appeals to the international community to support Mozambique in its efforts to establish an effective police force which complies with international human rights principles.
