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Dear Ms Majodina

MOZAMBIQUE – PRE-SESSIONAL MEETING OF THE COUNTRY REPORT TASK FORCE

In advance of the pre-sessional meeting on Mozambique, scheduled for July 2011, Amnesty international would like to bring to your attention some of the organization's main concerns regarding the failure of the state party to comply with its obligations under the International Covenant on Civil and Political Rights (ICCPR) – in particular those under Articles 2, 6 and 7 of the ICCPR.

In particular Amnesty International remains concerned about the information it continues to receive showing that unlawful killings, including extrajudicial executions, and excessive use of force by the Mozambican police, including in the context of policing of public gatherings, remain a problem. As highlighted in the enclosed Amnesty International documents, the authorities consistently fail to ensure that there are prompt, thorough, independent, impartial and effective investigations into killings and excessive use of force by the police. As a result, police officers responsible for such acts are seldom held to account and victims, including the families of those killed, are denied justice.

The enclosed reports describe these concerns in detail and provide information on several individual cases the organization has researched in recent years. Amnesty International continues to receive such cases.

Hortêncio Nia Ossufo, for example, was killed by police officers in the northern city of Nampula on 5 March 2011. According to information received by Amnesty International, on Saturday 5 March police went to the home of Hortêncio Nia Ossufo in the neighbourhood of Muatala ostensibly with the intention of carrying out an arrest. A family member reported that the police appeared to mistake Hortêncio Nia Ossufo for another family member – Frederico – who was not in the house at the time. The officers demanded that Hortêncio Nia Ossufo accompany them, in handcuffs, to the police station. When Hortêncio Nia Ossufo insisted that he was not Frederico an argument ensued and the police then shot him. The spokesperson of the Nampula Provincial Police alleged that Hortêncio Nia Ossufo had been part of a criminal gang and claimed that he had been shot by the police while trying to escape and that the police had not intended to kill him, but simply to 'immobilize' him. An autopsy was carried out which revealed that Hortêncio Nia Ossufo had been shot through the heart. However, to the knowledge of Amnesty International no further steps have been taken to investigate whether the police used excessive or arbitrary force in this case, and to establish whether the killing was unlawful.

As the enclosed Amnesty International reports highlight, the police usually claim that such killings were justified, alleging that the person killed was a criminal and had tried to escape. As a result, no investigations are carried out into this kind of incident unless there is a public outcry or the family of the victim are in a position to assert their rights. In the enclosed reports Amnesty International identified a number of obstacles that families of victims of unlawful police killings face in seeking justice. These obstacles still remain acute in Mozambique.

In addition to the information provided in the enclosed reports, Amnesty International would also like to bring to your attention the excessive use of force and firearms by the police during demonstrations in Maputo and Manica provinces in September 2010 which resulted in the death of 14 people, including two children, and at least 400 people being injured. The demonstrations started spontaneously on 1 September to protest at the rising cost in the price of bread, fuel and electricity, and lasted for three days. They spread to other cities but it was in the capital, Maputo, that most of the casualties occurred.

According to reports, protestors took to the streets blocking major roads with burning tyres and causing damage to property. The police reacted by shooting into the crowd, including using live ammunition, which the police alleged they used because they had run out of rubber bullets.

While the organization recognizes the duty of the police to maintain public order and to contain violence during demonstrations, international standards – notably the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials -- are clear that they may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary to defend themselves or others against an imminent threat of death or serious injury and only when less extreme means are insufficient to achieve these objectives. The Basic Principles underline that, in any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. In view of the particular difficulties of targeting in the context of such demonstrations – as evidenced by the deaths of two children during these demonstrations – any use of firearms must be treated as likely to be lethal, whether to the individual targeted or to bystanders, and as such police should use firearms in such situations only when strictly unavoidable in order to protect life.

This is not the first time the police in Mozambique have used firearms to disperse crowds and people have been killed as a result of the police action. Amnesty International is concerned that, in fact, the use of firearms to control demonstrations has become a recurring practice of the Mozambique police.

As in previous instances, no thorough, impartial and effective investigation is known to have been carried out into the police use of force and firearms which resulted in deaths and injuries during these demonstrations and no officers are known to have been held accountable for any of these incidents.

We hope this information will be useful for the preparation of the list of issues for Mozambique and would be grateful if you would make this letter together with the enclosed documents available to all members of the country report task force.

Do not hesitate to contact us should you require further details.

Yours sincerely,

Steve Crawshaw
Director, International Advocacy

Enclosed:

- *Mozambique: Submission to the UN Universal Periodic Review: Tenth session of the UPR Working Group of the Human Rights Council January 2011*, AI Index: AFR 41/002/2010, 5 July 2010, <http://www.amnesty.org/en/library/info/AFR41/002/2010/en>.
- *'I can't believe in justice any more': Obstacles to justice for unlawful killings by police in Mozambique*, AI Index: AFR 41/004/2009, 16 November 2009, <http://www.amnesty.org/en/library/info/AFR41/004/2009/en>.