

URGENT ACTION

DETAINED JOURNALIST FORMALLY CHARGED

Journalist Amade Abubacar has formally been charged with the crimes of “public incitement of a crime using electronic media”, “incitement” and “outrage against public forces officials”, under articles 323, 393 and 406 of Mozambique’s Penal Code.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice, Constitutional and Religious Affairs
Joaquim Veríssimo

Ministry of Justice, Constitutional and Religious Affairs
Av. Julius Nyerere 33
Maputo, Mozambique
Email: mjcr@mjcr.gov.mz and vilanchic@yahoo.com.br

Dear Honourable Minister Joaquim Veríssimo,

I would like to bring to your attention the case of **Amade Abubacar**, a radio journalist with Nacedje community radio based in Macomia district, Cabo Delgado province, northern Mozambique.

On 16 April, Amade Abubacar was officially charged with the crimes of “public incitement of a crime using electronic media”, “incitement” and “outrage against public forces officials”, under articles 323, 393 and 406 of Mozambique’s Penal Code.

Amade has been in arbitrary detention since 5 January, when he was arrested by police officers in Macomia district without a warrant. At the time of his arrest, Amade was interviewing people who fled their homes due to the intensification of violent attacks carried out by individuals believed to be members of an extremist group. Amade was held incommunicado by the military for 12 days, during which time he alleges he was subjected to different forms of ill-treatment which may amount to torture.

He was first brought before court on 18 January which was beyond the 48 hours limit set by law for a person to be brought to court after arrest. Amade was in pre-trial detention for more than 90 days before being formally charged. Article 308 of the Criminal Procedural Code states that a person cannot be held in pre-trial detention for more than 90 days after their arrest.

Amade is awaiting trial at Mieze prison in Pemba City where prison authorities continue to deny him visits from his family. A date for his trial is yet to be set. His lawyer is also waiting for communication on a bail application filed on 26 February at the Cabo Delgado Provincial Court on behalf of his client.

I urge you to:

- Ensure all the charges against Amade Abubacar are dropped and that he is immediately and unconditionally released as he is being detained solely for his work as a journalist;
- Ensure that, pending his release, Amade Abubacar is regularly brought before a judge and protected from torture and other ill-treatment, and that his conditions of detention are in line with international standards, including access to water, food and access to proper health care;
- Ensure that he is given prompt access to his family and lawyers;
- Ensure that the right to freedom of expression and media freedom are fully respected and that journalists are able to carry out their work without fear of attack, intimidation or harassment.

Yours sincerely,

AMNESTY
INTERNATIONAL



ADDITIONAL INFORMATION

Amade Abubacar is a local journalist with Nacedje community radio based in Macomia district, Cabo Delgado province. He is also a freelance journalist. He was arrested on 5 January by the Police of the Republic of Mozambique (PRM) in Macomia district and taken to Macomia's Police Station. He was arrested while interviewing internally displaced people (IDPs) who had fled their homes due to the intensification of violent attacks carried out by people believed to be member of an extremist group known as Al-Shabaab. On the same day, Amade was transferred from police custody to military custody, where he spent 12 days in incommunicado detention and he alleges to have been subjected to different forms of ill-treatment. Military forces are prohibited from holding civilian detainees in detention. He was transferred back to police custody on 17 January.

On 18 January, Macomia's District Judicial Court ordered his continued pre-trial detention at the Macomia District Police Command. On 24 January, Amade was transferred from the Macomia district prison to Mizeze prison in Pemba city, the capital of Cabo Delgado province.

The northern districts of Cabo Delgado province, including Macomia, have experienced armed attacks since October 2017. The attacks are carried out by people believed to be members of an extremist group, Al-Shabab, who invade villages, set houses on fire, hack villagers to death with machetes and loot their food. Several residents of the attacked villages have fled to other districts fearing for their lives. This province is important to the central government due to its richness in mineral resources, including gas and rubies. Therefore, the government increased the military presence in the region after the attacks began. Since then, the authorities have intimidated, harassed and prevented journalists from reporting on the situation. Amade has been covering attacks on civilians by armed groups in the Cabo Delgado province since its beginning.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese - English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [30 05 2019]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Amade Abubacar (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr41/0154/2019/en/>