

URGENT ACTION

JOURNALIST'S HEARING ADJOURNED AGAIN

For the third time now, the Cabo Delgado Provincial Court postponed the pre-trial hearing of journalist Amade Abubacar scheduled for 27 June due to a clerical error. Amade is awaiting trial for charges of “public incitement of a crime through electronic media”, “incitement” and “injury against public forces officials”. His pre-trial hearing is now set for 25 July.

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.*

Amade's pre-trial hearing, which was scheduled for 27 June before the Cabo Delgado Provincial Court, was postponed allegedly due to a clerical error. This is the third time his pre-trial hearing has been postponed. The first hearing, scheduled for 17 May, was postponed to 23 May due to a conflicting appointment in the judge's agenda. On 23 May, the Cabo Delgado Provincial Court adjourned the hearing to 27 June because the wrong witnesses had been brought to the Court. The pre-trial hearing has now been scheduled for 25 July.

On 23 April Amade Abubacar was granted provisional release from Mizezi prison in Pemba City by the Cabo Delgado Provincial Court. He is still facing charges for the crimes of “public incitement of a crime through electronic media”, “incitement” and “injury against public officials”, under articles 323, 393 and 406 of Mozambique's Penal Code. He was arrested 5 January 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.

I urge you to:

- Ensure all the charges against Amade Abubacar are dropped immediately as he has been charged solely for exercising his right to freedom of expression while working as a journalist;*
- Ensure that Amade Abubacar's fair trial rights are respected and that, if charges are not dropped, he is tried within a reasonable time as recognized under international fair trial standards;*
- 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,

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.

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. The 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 Mieze prison in Pemba city, the capital of Cabo Delgado province.

On 16 April, after more than 90 days in pre-trial detention, he was formally charged. On 23 April, journalist Amade Abubacar was granted provisional release from Miezi prison in Pemba City by the Cabo Delgado Provincial Court.

Amade is still facing charges for the crimes of crimes of "public incitement of a crime through electronic media", "incitement" and "injury against public officials", under articles 323, 393 and 406 of Mozambique's Penal Code. He was held 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.

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: [09 08 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/afr41/0278/2019/en/>