

African Commission  
on Human  
& Peoples' Rights



Commission Africaine  
des Droits de l'Homme  
et des Peuples

## **PRISONS IN MOZAMBIQUE**

REPORT ON A VISIT  
14-24 DECEMBER 1997

BY

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## VISIT TO MOZAMBIQUE

### ACKNOWLEDGEMENTS

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To them all therefore, I am extremely grateful.

## THE BACKGROUND

- a)
- (i) "Joaquim Gouveia [Frelimo guerrilla] recalls that when Kaulza's [Portuguese armed forces commander in-chief in Mozambique] forces entered the areas where Frelimo was strongly implanted they killed anybody, children, old people, women - they were just killing, killing. And they were carrying away everything - hoes, machetes, pots, even mortars for pounding maize... Gouveia also recalls that planes were dropping 'incendiary bombs which burned everything they touched' and chemical weapons which had an even worse effect. 'They were dropping these bombs on farmland to destroy it and to ensure that there would be no crop the following year and so the people would go hungry...' (p. 64)
  - (ii) "Father Cesare Bertull, the Regional Superior of the White Fathers (Roman Catholic) in Mozambique, described in detail the horrific tortures being inflicted on Mozambicans suspected of opposing the colonial regime." (p.68).
  - (iii) "The Dragons of Death quickly showed their political stripe. They went to the capital's main prison and released about 200 PIDE (International Police for the Defence of the State) agents whom the post-coup Portuguese authorities had detained, pending inquiries into responsibility for the torture of political prisoners. Other supporters of the Dragons were touring the black township in open vehicles, shooting black Mozambicans at random." p.87)
  - (iv) "Partly because of the growing expense of the war and partly because almost all the technicians in the country had been Portuguese and had left, the Mozambicans would not be able to repair infrastructure destroyed in Rhodesian attacks. By flattening villages and destroying roads, bridges, railways and vital communications centres Smith's military chief, General Peter Walls was doing more than stressing the cost factor of war: he was pointing out that the Mozambicans were losing the little that they had inherited from the Portuguese and would soon have nothing." (p.100)
  - (v) "Mozambique did not have a modern, well-equipped regular army. The inherited guerilla structure of independence days would appear inadequate in the face of big infantry and artillery invasions with strong air support. The Mozambicans would be obliged to invest heavily in military hardware, which

would severely limit the government's ability to improve the standard of living of its citizens." (p.100)

- (vi) "...Samora Machel never hesitated to support the Zimbabwe struggle. Mozambique became the home for Robert Mugabe and Zanu. It was this relationship between Machel and Mugabe that became the anvil for Zimbabwe's Independence. Machel was unstinting in his support, experiencing constant raids from Ian Smith's forces and infiltration from Selous Scouts." (David Owen) (p.102)
  - (vii) "Mozambique is, and was then, a poor country. So recruiting mercenaries was not difficult. It became even less difficult after the Rhodesians and their surrogates destroyed schools, clinics and communications facilities, that had been established since independence. New villages with all these facilities were attacked and peasants were murdered." (p. 106)
  - (viii) "In the People's Republic of Mozambique we have witnessed systematic violations of legality: violations of the constitution, violations of laws and regulations and violations of our principles. A particularly serious aspect of this situation is that these violations are in many cases committed by members of the defence and security forces. They are committed by members of the Mozambique Armed Forces (FPLM), by members of the police force and militias and by personnel of the Ministry of Security (SNASP)...
- Aggression and torture are used as a means of punishing mistakes, which are often imaginary, and as a means of making people confess to crimes, committed or not. "[These abuses are] the result of the continued presence of values and practices from colonial-capitalist and tribal-feudal society, and mistakes and deviations that are the result of our own failings" (Samora Machel at a mass rally in Maputo on 5th November 1981) pp 160-161.
- (ix) "The President (Samora Machel) marched up and down the platform, speaking non-stop, agitated by old memories of friends who had been reduced to human wreckage before being butchered by the colonialists and their hirelings. The nurses at the hospital who had disappeared after being taken to the secret police dungeons. The Frelimo guerillas who were captured wounded and refused to reveal secrets under excruciating torture.

Then memories emerged from the other side of the hall. Grim confessions of betrayal. Free from any threat of jail or hanging, men admitted to having been paid by the secret police to infiltrate students' groups, discussion associations even conversations on railway trains, to get the names of African nationalists.

These nationalists were then arrested and many were tortured to death in prison. A driver for the PIDE-DGS admitted taking the bodies to be thrown into the sea.

Two ex-commandos admitted having been present at the 1972 massacre of Winiyamu in Tete province, when hand grenades were thrown into a crowd of villagers. It took three days to bury the bodies." (P. 173)

(The above passages are reproduced from Iain Christie, Samora Machel, A biography, PANAF. An imprint of Zed Press Ltd. London and New Jersey (1989).

(b)

Mozambicans value human rights. André Matzangaisse and Afonso Dhlakama would not deny this assertion. And it was for the promotion, protection and enjoyment of the rights of Mozambicans that Eduardo Mondlane, Marcelino dos Santos, Samora Machel, Joaquim Chissano, Alberto Chipande, Sebastiao Mabote and many others worked, fought and some of them died. From the home of Eduardo Mondlane in the then Lourenco Marques, now Maputo in 1961 through the formation of Frente de Libertacao de Mocambique (Frelimo) in 1962, the attainment of independence on 25 June 1975, the establishment of Resistencia Nacional Mocambicans (Renamo) and its conflict with the former, the General Peace Agreement in October 1992, presidential and legislative elections of 27-28 October 1994 to today the abiding concerns of Mozambicans have been the upholding of their dignity and their rights to self-determination and development. With these, the African Commission on Human and Peoples' Rights identify very closely.

(c)

It was to contribute towards the realisation of these goals that the Special Rapporteur on Prisons and Detention Centres in Africa visited Mozambique from 14 - 24 December 1997; a visit which took him to:

- (i) Maputo (Central Prison and Civil Prison)
- (ii) Beira (Central Prison and Police Station)
- (iii) Nampula, (Prison and Police Station)
- (iv) Matola Open Prison
- (v) Xai-Xai (Prison and Police Station) and Macheva Prison.

## MEETINGS

I had meetings with the Minister of Justice, Jose Ibraimo Abudo, the Chief of Cabinet of the Ministry of Justice, Charles Almasso, the National Director of Prisons, Antonio Eduardo Munete, the Secretary General of the Ministry of Interior and officials of the Prison and Police Services. Summaries of some of the meetings follow.

*15 December 1997*

### *Ministry of Justice*

(i) The Chief of Cabinet of the Ministry of Justice informed me that his Minister was in Parliament to seek approval of a budget which had increased allocation to prisons. As at all the meetings I outlined the purpose of my mission within the context of the ACHPR and my mandate, always reminding my listeners or hosts that the Commission aims at achieving its objectives through dialogue with States Parties.

### *Director of the Prison Service*

(ii) At a meeting with the Director of the Prison Service under the Ministry of Justice on 16th December 1997 an idea was gained on issues such as prison population, the division of responsibility between the Ministries of Justice and Interior, detention of juveniles and women, health care, the judicial process, disappearances, discipline and punishment, remand, the state of prisons and plans for the future. Generally, questions and answers from me and by the Director respectively produced the account below. The Director also granted me written permission to visit places of detention which I had set out in my programme.

The Director welcomed my visit, which like those of other international human rights organisations, he pronounced as necessary. Violations of human rights which Mozambique has been accused of, he explained, were the result of poor conditions in prisons and detention centres, and not the result of the lack of will to implement international standards. He stated that it was difficult to control how prison and police cells were managed because of the lack of means for regular monitoring and control of these institutions.

### Prison Population

The total figure was about 11,000 out of a national population of 16 million. The Ministry of Interior had responsibility for about 5,000 of these inmates while 5,800 were under the authority of the Ministry of Justice. Of the last figure 3,200 were awaiting trial or sentence. 995 people aged between 16 and 21 were in prisons under the Ministry of Justice. These also had 114 females. Exact figures could not be given about foreigners. What was known was that most of the foreign prisoners were in prisons close to the borders of Mozambique like Maninca, Tete and Nyassa. They had been arrested mostly for illegal entry into the country.

### Overcrowding

This was a real problem. Maputo Central Prison, for instance, housed 1,600 prisoners when it was built to accommodate 800. No prison had been built since the sixties, and most of those which existed were old and had neither been rehabilitated nor maintained well. To this was added the problems of the lack of blankets and mattresses.

I suggested resort to Community Service and speedy trial as ways by which the prisons could be decongested. Open centres in the country side where prisoners could cultivate crops to feed themselves were being considered as a way of dealing with the problem of overcrowding, according to the Director.

### ***Ministries of Justice and Interior***

Generally the Ministry of Interior has responsibility for pre-trial detention while accused persons are transferred to the Ministry of Justice prisons for trial but, specifically the latter's responsibility commenced when a suspect's file was transmitted to the prosecutor by the criminal investigation police. Within each ministry there is a National Department which caters for those in places of custody and detention.

Guards under the Ministry of Interior are policemen while those under the Ministry of Justice are regular prison officers.

### Remand

By law a person who is arrested should not be held in a police cell for more than 48 hours. Suspects may be held in Detention Centres of the Ministry of Interior for a maximum period of 90 days although it may be exceeded, in complex cases or where surety could not be provided, to 2 or several years.

If a magistrate knew that the process would last more than 90 days she could grant bail.

### Judicial Process

The courts are notorious for being slow. Many more judges and magistrates are needed than exist with the result that a magistrate, for instance, may find herself with responsibility for several sections instead of one.

### Health

Prisons under the Ministry of Justice have Health Centres with nurses or paramedics. Inmates who are sick are treated in the health centres of the prisons by a medical officer or nurse twice, or thrice a week. Serious cases as well as those requiring specialized attention are referred to hospitals. The health centres do not have sufficient medicine.

### Discipline

United Nations Standard Minimum Rules for the treatment of offenders are observed. National rules on the subject are in conformity with the U.N. Rules. Corporal punishment is outlawed. Prisoners are disciplined for infringement of regulations by being confined to cells but they are not to be given any inhuman or degrading treatment. The policy is that there should be no more punishment than the deprivation of liberty itself. Arbitrary punishment and disciplinary diet are outlawed.

### Disappearances

This phenomenon is unheard of in the Ministry of Justice prisons. They occur in institutions under the Ministry of Interior, and they result from the escape of detainees from police stations where suspects can be kept for up to 48 hours.

### Juveniles

A person under the age of 16 is not responsible in criminal law for his action. Parents or guardians must prove the age of such a person, and he/she would be released to them. The problem is that some parents do not want their children to be released to them, and do not, therefore, present the necessary documents to establish their age. There is no specialised rehabilitation Centres to accommodate juveniles. As a result of overcrowding it has not been possible to separate young persons from the old.

## *Minister of Justice*

(iii) On December 17, the Minister of Justice granted me audience. He welcomed my mission, and saw it as an opportunity to learn more about the African Commission on Human and People's Rights. It also provided an occasion to consider further necessary improvement in human rights. He stated that it is difficult to protect human rights in poor countries such as Mozambique because the general population itself suffer and do not have sufficient food. In this connection it is not easy to ensure that minimum standards are implemented in prisons.

Prisons in Gaza province and others in the countryside, outside the big cities are more open than those in Maputo which are overcrowded. Prisons in Gaza provide 3 meals a day for inmates while in Maputo it is one meal a day. The former produce part of their own food. When there are too many prisoners, the services provided by the administration become inadequate, and prison conditions can deteriorate very quickly.

### Judicial Process and Lawyers

The slow court process accounts partly for the overcrowding and related problems. There are far fewer judges than what is needed. To take his own experience, when the Minister was the Chief Judge in Sofala, 4 judges served under him. Only two of these were trained lawyers, the other two had only rudimentary instruction in law. In the provinces there are judges who have had only one year training. The minister was also one of the first graduates of the Faculty of Law, which was established in 1975, and even before completing his degree he worked in the courts. Few nationals had the opportunity to study law in Portugal before lawyers started to be trained in Mozambique. Moreover locally trained lawyers prefer to work with private companies than in the courts. Prosecutors are also in short supply.

There is the need for 2 graduates in law in each court but in most courts there is not even one. Most of the court personnel had one year basic training. Graduates are concentrated in Maputo. Lawyers in the provinces, some of whom give legal aid, have had only one year training. But against the foregoing background provision of legal aid by government is a real problem.

### Overcrowding

Although the weak judicial process contributes to this problem, the inability of government as a result of lack of means to construct more prisons is also a

contributory factor. Prisons built in colonial times cannot accommodate prisoners of a highly increased population.

The war added to the problem. For instance, Mabalame prison situated on 60 acres of land in Gaza province, produced food for itself and other prisons, but it was destroyed during the war.

### Prison Personnel

Lack of training for them does not make for or ensure respect of human rights.

In conclusion, the Minister saw lack of resources as the main reason why the government could not improve the conditions of imprisonment and detention. He also observed that the Commission was doing a good job in trying to protect human rights. Mozambique, he promised, would also do more to improve upon the situation.

*23 December 1997*

*Secretary General of the Ministry of Interior.*

(iv) H.E. Almerinho Manhenji, Minister of Interior was unable to attend the meeting scheduled for the above date. The Secretary-General of the ministry, Armando Mario Correia therefore deputised for him. I informed him of two important concerns which must be treated as matters of priority and given the necessary attention: juveniles and pre-trial detention.

Juveniles

I expressed the concern that if nothing was done about persons whose conduct was excused on account of their age (under 16), many of them were likely to walk straight into jail when they reached the age of criminal responsibility. In response the Secretary-General stated that prevention programmes had been established with the ministries of Justice, Culture and Health with the aim of helping juveniles who had been made orphans by the war not to get involved in criminal activity. However not much had come out of this initiative. It was also stated that there was a court which protected the interest of minors when their parents were divorced. A tribunal also acted as a mediator between the victims of "crimes" of "juveniles" and the families of the latter.

Pre-trial detention

The Secretary-General stated that the maximum period of detention for the purpose of investigation was 84 days. However, the examining magistrate could extend the period of detention in the case of serious offences.

Prison officials were required by law to send sick detainees to hospital whenever it was necessary.

Conditional release was possible in the case of those sentenced to less than 8 years imprisonment. Bail could also be granted at any stage of the criminal process, investigation and trial.

Difficulties with transportation from Beira and Xai-Xai prevented me from honouring, on two occasions, meeting with the President of the Bar Association.

(v) On 23 December, I had a meeting with NGOs and journalists who learned about the work of the Commission including my mandate. To the extent permissible, I briefed them about my work in Mozambique.

## PRISON VISITS

*16 December 1997*

*Maputo Central Prison (Under the Ministry of Justice)*

Located in the northern section of Maputo, the prison has buildings which house the administration, the kitchen and workshops. Gardens, fruit trees and other trees adorn its large compound. Present at a meeting which preceded a visit to the cells and other parts of the prison were:

- (a) The Director, Mr. Aruerico Abilio Parruque who had worked in the prison for the past 33 years, the last 7 of which had been as its Director in prison administration;
- (b) Mr. Jaime Ernesto Tivane, Secretary;
- (c) Mr. Julio Siteo, Chief of Guards;
- (d) Mr. Laurencio Magul, Assistant for Social Affairs;
- (e) Mr. Francisco Fulaho, Chief of penal control (discharge and discipline).

The prison was built in 1965 with a maximum capacity of 800 although at the time of the visit it housed 2059 prisoners, who were all male. As a result of limited space, women prisoners were kept in Maputo civil prison. 1018 of the inmates were awaiting trial. There were also 100 young adults. The youngest inmate was 17 years old while the oldest was 55. 180 guards man the prison. There were no political prisoners in Mozambique, I was informed.

Although according to the regulations prisoners should be housed according to age group, type of offence and status (remand or convict) separately, it was difficult to implement the rules because of limited space.

Food

By law, three meals should be provided for each inmate everyday. Financial constraints have led to one meal being provided each day. It consists of maize flour, beans and sometimes fish and rice when the budget allocation permitted it.



### Clothing

Inmates provide their own clothes. Non-governmental organisations supply clothes for those who do not have any.

### Mail

There is no limit to the letters which inmates can write and receive. The Red Cross tries to unite inmates and families through correspondence.

### Visits

Family members and friends can visit inmates. Each inmate is entitled to 2 visits per month.

### Games

Inmates played football and chess. They also sang, danced and staged plays. But on the whole, there was a lack of equipment for games.

### Health

Medical service was provided in the prison. Serious cases were referred to hospitals.

### Vocational Training

Both academic and vocational training was provided. The latter is in carpentry, ceramics, clothe-making and electricity. There was also opportunity to take part in agricultural activity: the growing and tending of corn, beans and vegetables. Young adults were given priority in vocational training.

Reading and writing lessons up to the 9th grade were given.

### Exercise/Stay in Cells

Inmates who were not engaged in vocational training were allowed to be outside their cells two hours each day, one hour in the morning and another hour in the afternoon.

### Riots

There had been riots by those on remand over food.

### Relationship between guards and inmates

It was said to be good with the guards doing their work well and the inmates reciprocating.

### Discipline and Punishment

It was noticeable that unlike the other issues above, response to my inquiry on this topic took a long time before it was made, and when it did come it was from different directions not addressing the issue. Eventually isolation in disciplinary cells was given as the main punishment. These cells also housed detainees who were a security risk (those arrested for or convicted of armed robbery, for instance).

If a guard provoked a detainee the former would be punished. The main problems were, however, among the detainees.

### Escapes

As a last resort, firearm was used to prevent prisoners from escaping.

### Sanitary Condition

The director spoke of an outbreak of cholera in the prison.

### Visit to the premises

The prison had a very neat health centre with a nurse and assistants. Part of the prison had been cordoned off for those suffering from cholera or being treated for it. Since the outbreak of the epidemic in November 1997, 2 inmates had died, 28 were still receiving treatment. 310 had contracted the disease while 285 had been treated at the Health Centre. Also those infected with the disease at Machava civil prison had been transferred to the Central prison for treatment. Médecins sans Frontières (MSF) was providing medical and material assistance to fight the epidemic. The water system, for instance, was being repaired by MSF.

### Kitchen and Dining Hall

Food was cooked in a kitchen for all the inmates by some of them. They started work at 4 a.m.

Unfortunately, a nice dining hall with 26 cement tables each 3 metres long was in disuse because most of the tables and seats were in a state of disrepair.

### Classes

A class on health matters was in progress at the time of my visit. Members of the class were expected to pass on the knowledge gained to the other inmates.

A church service with sonorous voices was also in progress at the time of the visit.

### Discussion with detainees in private

- Manuel Carlitas Massango: The apparent tender age of this inmate attracted me to him. He claimed to be 15 years old, and had been in prison for 15 months after having been sentenced to 3 years imprisonment for stealing. He also claimed to have received soap only twice in 15 months. He had one visit since being confined to prison. The food was small, he complained.
- Amando Domingo Macie : I was attracted to this inmate for the same reason as in the previous case. This remand prisoner claimed to be 15 years old although his file indicated that he was 19.

### Workshops and Fields

Due to limited equipment and raw materials only a few of the inmates were working in the workshops. Equipment in the carpentry needed repair. A shoe-making section had become a shoe repair shop because the machinery for the former was out of order.

An impressive orchard with many fruits was being cultivated by the inmates in a central area of the prison. Around the cells also a few fruit trees have been raised by the same. According to the Director the inmates who could pay for the fruits as well as the sick ones and those who worked in the orchard enjoyed the fruits.

### The Cells

Of the 10 buildings constructed to house prisoners, 8 of them were habitable.

One building housed 219 young adults. Most of these were on remand. The separation of young adults from adults did not extend to life outside the cells.

One cell had less than 25 beds for 53 persons. A small section of this cell was used as both bathroom and toilet. The inmates complained that they had no equipment to clean the toilet/bathroom and had to use their hands.

Another cell with 54 inmates had 16 beds. The youngest here was 16 years old. They were not supplied any soap, but they had the opportunity to bath everyday. Most of them had had no visit from their families because they either had none or the families could not afford the visit or were not aware of their imprisonment.

### Disciplinary Cells

Those confined here forfeit their right to have visitors. They had not been supplied with soap. Alberto Junior had spent 5 months here for trying to escape from the cell for armed robbers. Inmates of the armed robbery cells got more food than those in the disciplinary cell.

Fernand José Cherinza had scars which were consistent with his claim that he was beaten by the guards when he tried to escape from the disciplinary cell. He had earlier on tried to escape from the cell for armed robbers. Other inmates of the disciplinary cells complained of having been beaten by the guards. They had been informed of my visit, and instructed not to speak about issues such as beating by guards. Some had been on remand for 2 years. Complaints were also made about the police demanding money for cases to be dropped.

The visit ended by going through the measures instituted by the Ministry of Health visitors: washing their hands with chlorinated water.

### ***Maputo Civil Prison (Ministry of Interior)***

The Director Diamantino Alfredo who had been notified about my visit, briefed me about the prison.

It is a prison for remand prisoners. Although required by law, it has no assistant director. There are 4 departments of the prison; security, rehabilitation, monitoring and administration as well as a female wing which is under the Ministry of Justice. Built to accommodate 250 inmates, it had 300 inmates.

Primary health care is available in the hospital prison.

### Food

Different answers were given on the number of meals provided each day: one official put it at 2 daily though sometimes financial constraints led to only one meal while another official said that in principle there should be 3 meals each day but in fact it was 2 or 3. The diet consisted of beans, maize flour meal, fresh or dried fish and vegetables when in season.

### Length of remand

The average was 34 days but some could extend to 90 days, and in rare cases beyond this period.

### Punishment

The sanction for breach of regulations was isolation for 1 or 2 days though it could sometimes last for 10 days. Isolation was coupled with denial of visit

### Clothing

The prison authorities provided clothes for the inmates.

### Visits

Every inmate was entitled to 2 visits each month lasting 3 hours per visit.

### Correspondence

There was no limit to the number of letters which an inmate could write or receive.

### Water and Hygiene

It was sometimes a problem getting water but generally there was access to water three times daily. The sewerage system was in a state of disrepair. Soap was distributed twice a month whenever available.

### Complaint Procedure

Inmates could complain to the rehabilitation section which would pass it on to the appropriate authorities including the President of the Republic.

### Visit to the Premises

A long hall which overlooks a football field served as a reception for visitors. A transit ward housed new arrivals until they were transferred to other prisons or sections of Maputo Civil Prison. At the time of the visit all the inmates of the transit ward were policemen.

### 1st Section of Prison

With difficulty the officers agreed to a private discussion between the inmates and myself. The former wanted to be present. The inmates were served one meal a day in small quantity. They had beds and blankets. They complained about not

getting visits: they only received messages informing them of the names of their visitors without seeing them. It is noted that the cholera outbreak led to a cancellation of visits. Beds and blankets were available, but they were given no soap. There were foreigners from Sierra Leone, Nigeria, Uganda and Portugal among the inmates.

The inmates complained bitterly about corruption among police officers who would destroy evidence on payment of money. One of the foreigners complained that although an order for his release had been given by a judge he had stayed on for a week because he could not raise the money demanded by the police for his actual release. His embassy was also not aware of his detention.

Most of the inmates would not talk because, they informed me, they had been ordered not to talk.

### 2nd Part of Prison

One cell with 6 prisoners had one bed and two blankets. Some of them, therefore, slept on the bare floor. One would not talk to me because he feared what would happen to him on my departure.

A bathroom had water flowing without control although there were days when water did not flow.

### Health Centre

A health centre which was attended by men and women on different occasions was neat and tidy, as was the nurse.

### Female Section

The head of this unit was male. It had 67 women with 9 children between 1 and 4 months. One of them was born in prison three months earlier. The mother was said to have been imprisoned just before giving birth. The children ate the same food as their mothers, which consisted of maize and beans. They complained about the poor quality of the food. They were given no soap.

Most of them were on remand, some up to 1 year. Some had not even been charged. Others should have been kept in Maputo Central Prison but limited space there had ended them here. Convicts and remand prisoners lived in the same cell. They had no uniforms.

The cancellation of visits as a result of the outbreak of cholera was a sore point

for them because it had dried up the source of improvement in their diet: food from visitors. Other complaints were inadequate medicine, lack of water containers and inability to get rid of waste water.

The cells looked better than those of the male prisoners. The female inmates had beds and blankets.

#### Disciplinary cells

Some of the cells had clothes, cup and toothbrushes which suggested that there were inmates there but none was seen inside.

The Director welcomed my visit and looked forward to whatever help the Commission could give towards improvement of conditions in the prison. He also apologised for the misunderstanding about discussion with inmates in private at the beginning of the visit. He had not received instruction to permit it.

*17 December 1997*

#### *Beira Central Prison*

The prison was situated within the town, and inmates could witness part of life outside prison through the windows. A wall of about 2 metres surrounded the prison.

Luis Seberto Tsueane, the Director seemed genuinely surprised to see us because he had had no notification of our visit. However, he welcomed us heartily and agreed to a discussion with him as well as a visit to the cells and other sections of the prison.

Constructed about 80 years ago, it had never been renovated. It was built to accommodate 150 prisoners, but held 626 inmates at the time of the visit. 17 of them were women. While the exact number of young adults (16-21) could not be given immediately, it was known that they formed the largest number because they were the most active criminal group. None of the inmates was below 16.

206 had not been charged; 218 were waiting to be tried while 202 were convicts. The average period of remand was 6 months to 1 year. All these categories of prisoners were mixed up: they did everything together as a result of limited space. The prison had a staff of 66 (guards and administrative personnel).

A new prison, which the Director was eager to show us, but which time constraint did not make it possible, when completed, would house all the inmates from Beira Central Prison. Located near Beira it would have been completed quite sometime ago had there been the requisite funds.

#### Health

There was a health centre with a nurse. Serious cases were transferred to hospitals. Those who could afford it paid for the more expensive medicine as the centre had only basic medicine.

#### Food

It was a problem for the prison administration. Had there been a kitchen in the prison, the inmates would have had 2 meals each day. But because the food was prepared some distance away from the prison what should have been eaten on two occasions was combined and prepared once (600g per detainee).

## Riot

There was a riot in 1993 when those on remand demanded an immediate trial.

## Punishment

The only punishment was isolation in disciplinary cells. The gravity of the offence determined the length of confinement. Maximum period of confinement was 30 days but in rare cases (escape or attempt to escape), it could be 60 days. From the disciplinary cells one could go out only twice, and this to the bathroom.

## Hygiene

The prison had no money to buy soap and cleaning material for the inmates. From October to December, therefore, there had been no supply of soap. Food was the priority concern. The Director expressed the hope that the new budget would enable the needs of the inmates to be met. He noted that he did not receive any assistance beyond the budget from anywhere.

## Visits and Correspondence

An inmate is allowed 2 visits per month although in cases of emergency extra visits are permitted. Inmates were allowed to write and receive letters without limit. Letters going out and coming in are, however, censored.

## Training of Guards

They were trained but their morale was getting low as their work got more difficult with the overcrowding and its attendant problems. The relationship between guards and inmates was generally good. But occasionally some guards beat the inmates. Whenever this happened the guards involved were disciplined.

## Games

The prison was so small that no games were played in it.

## In Camera Discussion With Inmates

The Director was, at first, not disposed to allowing me to talk to the inmates alone since he had not received a programme for my visit. But eventually, he relented.

## Female Section

Only female guards worked there. The inmates complained that the food was not well cooked. Catholic nuns visited them, and gave them milk. One inmate had her

young child with her. 96 prisoners had been transferred to an open prison the previous day, the Director stated.

The general state of the building was very poor with stains, banisters and ceilings threatening to collapse. The walls were extremely dirty and stagnant waste water was all over the small compound, and the scent it produced could be imagined.

## Male Section

### Ground Floor

Cell 1: you were hit with a pungent foul odour, on entering. A number of the 18 inmates were in tattered clothes. Thomas Sinamunda Chawasini, 55 complained that he needed surgery from an acute ailment with his stomach. An elderly looking inmate gave his age as 64. Another inmate was suffering from tuberculosis. Reserved for the sick, the inmates said sometimes they got medicine from the hospital, but on other occasions, they had nothing.

Cell 2 was also for sick inmates, and was in a similar state as Cell 1.

### Disciplinary Cell

There were 11 people in this small cell of approximately 8 sq. metre. One inmate claimed to have been in confinement for 57 days for smoking hard drug. A second person who allegedly tried to escape from the hospital had been in confinement for 40 days. They came out twice, to eat and bath. None of them had a blanket, and there was no light in the cell.

### First Floor

All the cells were extremely overcrowded. In none was there sleeping space for all of them. "Terrible" sums up the condition in the cells: it is unimaginable how all the inmates could fit into the cells.

In a final discussion with the Director of the prison on 18 December 1997, he indicated that the new prison should be ready in July 1998. It would be a modern prison with carpentry, mechanics and sewing workshops. It would also have a kitchen, a dining hall and a wing for farming. The Director wanted to know about prison conditions elsewhere. In response, I stated that the background and history of Mozambique should always be kept in mind but pointed out that it was nevertheless possible to adopt measures which could improve prison conditions.

*19 December 1997*

### *Nampula Central Prison*

It was most helpful to have a member of the Mozambique League of Human Rights accompanying me on my rounds in Nampula, even during a heavy downpour.

Director José Ramote Fakira said he had nothing to hide and allowed me to see the organisational chart and the state of prisoners on the wall of his office. Under a Provincial director is a Chief of Guards. Two other officers were responsible for operations and administration. There were 5 guards.

A disciplinary cell did not hold any prisoner. The prison had a total number of 438 inmates. 286 of them were on remand while 152 were convicts. There were only 5 female inmates. The length of remand was given as between 90 to 120 days although the slow court process sometimes stretched it to 6 months with the longest being 8 months. Young adults were not separated from adults. Generally, convicts and remand prisoners were accommodated in different cells, and were also kept apart during outdoor exercise. Among the convicts there was no categorisation according to either the length of sentence or the type of offence due to limited space.

#### Food

3 meals a day were served the inmates: maize meal with sugar for breakfast, maize flour and beans for lunch, and rice and dried fish for dinner. Additionally, the inmates could receive two meals each day from outside.

#### Health

A health centre provided medical care for the sick. Serious cases were referred to the hospital in Nampula.

#### Punishment

Confinement in a disciplinary cell was the only punishment known to the prison administration. A confined prisoner could come out in the morning for half an hour for a bath and fresh air.

#### Visits

Both remand prisoners and convicts could have 2 visits each week.

#### Correspondence

Inmates could write letters twice a month but this right was hardly exercised. Mail was censored.

#### Hygiene

Water was accessible to the inmates. They were also given soap twice a month.

#### Pardon

The last amnesty granted was under the late President Samora Machel. Conditional release could be granted after 6 months for remand prisoners, and after half of the sentence in the case of convicted prisoners who were of good behaviour.

#### Open Centre

One was located in the district of Rex for raising and rearing of crops and animals respectively. Prisoners of good behaviour could be sent here.

#### Visit to Cells

The inmates confirmed that they received 3 meals each day. Two complained that they had been in custody without trial since 1995. Three of them claimed that they were 15 years old. Twice a day for 1 hour each they could go outside the cells. There was not sufficient sleeping room (normal state) in the cells, and some of the inmates slept hunched up or simply sat. Some even slept in the bathroom.

#### Clothing

No uniform was provided by the authorities. Many inmates were in tattered clothes.

#### Security

Some of the inmates were cell leaders who had responsibility for order and security in their cells.

#### Cells

A spokesman for prisoner on remand complained about the length of remand. They had no problem with the guards and the prison administration whom the former thought were doing their best. He was incensed against the police who took unduly long time in their investigation resulting in long detention. Some of

them were in detention, on such minor offences as stealing a hen or singlet. He invited the Governor to come and see things for himself.

Struck by the youth of most of the inmates in the remand cell, I inquired of how many had parents. More than half said they had none, victims of the war presumably. These orphans had no assistance from outside.

#### Foreigners

There were 2 Tanzanians among the remand prisoners.

#### Cell For Convicts

As in the case of the remand cell, the overcrowding here was such that the prisoners could not sleep lying down, they just sat up.

There was one seriously ill prisoner lying on a veranda, who had not been taken to hospital, and no one seemed to care. Death did not seem far away.

#### Cell 3

Convicts were mixed up with remand prisoners. This cell was relatively spacious. The inmates, 23, had responsibility for various tasks in the prison.

#### Female Cell

Of the 5 registered in the prison records, 3 had been sent to a prison farm, leaving only 2 in the cell.

The disciplinary cell had hardly a window. Up to 5 people were sometimes confined here though it was hard to imagine how it could contain even 2 people. It appeared to have faeces on the floor.

### ***First Squadron Police Station, Nampula***

There were 4 police stations in Nampula, and what I visited was the central one.

While waiting for permission to visit the cells, from the provincial commander, I saw a 13 year old boy who had been arrested for selling cassette in the streets. Onlookers said he had been there for over an hour, and predicted that the police would seize the goods; and it came to pass. The boy was released without the tapes. 2 other persons, apparently above the age of 16 were also at the police station for a similar offence.

There were 133 detainees in the cells who had been there for 16-30 days although the legal limit was 48 hours.

On arrival, the commander stated that suspects spent 40-60 days at the police station before being transferred to the prison.

#### Punishment

The sanction for infringement of regulations was confinement to disciplinary cell. As a result of overcrowding, the disciplinary cell was used to accommodate suspects.

#### Food

One meal a day was served.

#### Clothing

The inmates were supplied with uniforms.

#### Visits

Twice in a month an inmate could receive visitors.

The Commander did not allow me to have any private discussion with any of the inmates.

#### Cell A

Inmates complained that they removed faeces with their bare hands. Another complaint was that the uniforms were not washed although they were passed on from inmate to inmate. Most of them slept on the bare floor. They also ate the same food all the time.

One inmate, who looked it, said he was 14 years old. Selemane Mussa said that although he had been in custody for 4 days, he did not know what he had done.

**20 December 1997**

I was interviewed prior to our departure from Nampula for radio by Rafael D. Omar of Radio Mozambique who was also a member of the Mozambique League of Human Rights. The interview centred around the Commission, my mandate, the mission to Mozambique and my findings. I indicated generally the efforts being made by the authorities; the financial and material constraints facing Mozambique; the openness of the authorities and their willingness to receive advice and not hide the prison conditions; but stressed that there were still certain things which could be done to improve the situation.

**20 December 1997**

### ***Hanhane Open Centre, Matola***

This was situated about 2 kilometres from Maputo. There were 2 of such centres within the environs of Maputo; and each of the 10 provinces of Mozambique would have at least one of them.

The National Director of Prisons under the Ministry of Justice and Danilo Nala from the Mozambican League of Human Rights accompanied us on this visit.

The Centre was established in 1986 for women but men have subsequently been added. At the time of the visit there were 6 women and 8 men although the centre had capacity to accommodate 25 inmates. The male and female inmates lived in different buildings. The women's was better than that of the men in sleeping condition. The guards were all women.

The Director explained that inmates of open centres consisted generally of those who had served the greater part of their sentence and were about to be discharged. They must also have behaved well. The centre, was also used to assess the suitability of inmates who had been earmarked for conditional release. A big idea behind the open centres was to help reintegration of inmates into society.

The two living quarters of the centre were almost surrounded by two farms with oranges, lemon, mangoes, pear, corn, beans, cassava and paw-paw trees.

**21 December 1997**

I had discussion with Miss Mabote Executive Director of LMDH. This organisation was the main local body working in the area of promoting and protecting the rights of prisoners. Some journalists and religious organisations also work in this area.

**22 December 1997**

### ***Xai-Xai Provincial Prison***

Xai-Xai is a small town in Gaza Province located 200 km north of Maputo. From Maputo it is just beyond the Limpopo River. One also crosses the Nkomati River on the way to Xai-Xai from Maputo.

Xai-Xai has a main road which is broad and well-tarred with pavement and trees on both sides.

The prison officials had been informed of my visit, and were waiting for me. As usual, a discussion with the Director, Domingo Chambal preceded a visit to the cells and other parts of the prison.

### ***Discussion with the Director***

A blackboard behind the Director's desk had vital statistics of the prison. 118 of the inmates were on remand while 53 were convicts making a total of 171. 166 of them were male while 5 were female. Three of the 5 were under the responsibility of the Ministry of Interior.

There was no record of the number of orphans in the prison; and it was not certain how many young adults had been imprisoned.

It was built in 1946 to hold 70 prisoners (information partly supplied by Director).

While male and female inmates were kept apart, the same was not true for convicts and those on remand because of limited space.

### **Food**

3 meals a day were served to the inmates. They consisted of maize, rice, beans and fish. Asked how the prison authorities were able to provide 3 meals, the



Director responded that the prisoners worked on farms for a fee. Gaza was also an agricultural province; and the prison had a farm. 46 of the inmates had gone to work on the prison farm on the day of the visit.

Although sited near the Limpopo river, water was a problem for the prison. The town itself did not have pipe-borne water.

Common Crimes: Robbery, homicide and stealing were the common crimes in the area.

#### Religion

Members of churches preached in the prison on Sundays and Wednesdays.

#### Visits

Inmates were allowed 2 visits each month usually on the first and third Sundays in the month. Emergency visits were allowed on other days.

#### Correspondence

Inmates were allowed to write and receive letters at anytime, but this right was rarely exercised. Most of the inmates came from the Province and were visited by their families.

#### Punishment

Those who infringed prison regulations were confined to disciplinary cells for up to 5 days. Inmates for whom maximum security was necessary (attempting to escape, for instance) were also confined here. But the latter were allowed some freedom to go outside in the day.

#### Visit to Cells

8 of the 171 inmates did not sleep in the cells. They lived in their homes, and worked outside the prison. These were selected on the basis of their good behaviour; and this was an exercise in rehabilitation and to prepare them for their return to society.

#### Female Section

It was very spacious. Of the 8 inmates here, two had gone to work outside the prison. One inmate complained about the poor quality of the food and sleeping condition. Some slept on rice sacks without mattresses or blankets. Another complained that her family was not aware of her imprisonment.

One prisoner on remand had a 7 months old child which was one month old when the mother was imprisoned. They sometimes worked on farms, and the mother also worked with her child on her back.

#### Kitchen

The food being prepared was beans with fish.

#### Male Section

There were 6 cells of unequal sizes and 2 disciplinary cells. Most of the cells did not have beds, and very little daylight penetrated into them.

#### Discussion With Inmates Without Officers

The Director had encouraged them to speak without any inhibition. Despite this assurance two inmates said they were afraid to talk. Another said he had been on remand for 3 years, and did not know when his trial would take place. That the food was not well cooked was another complaint. It was a sore point to some that the Director did not go round the cells to find out the condition of both the inmates and the cell, even though the second in command did. No uniform was supplied to them. Soap was supplied once in three months. They were assaulted on the farm by the guards. There was a mental patient among the inmates.

#### VISITS

It was not a problem. Families and certain NGOs visited them.

#### ***Xai-Xai Police Station***

47 people were in the cells. Three of them were women. Length of stay varied from 48 hours to 3 months.

#### Food

Two meals a day of beans and maize were served to the inmates.

#### Clothing

Uniform was provided.

#### Correspondence

There was no limit to the letters which could be written or received.

### Visits

Twice a month but emergencies were catered for.

### Punishment

Corporal punishment was prohibited. 40 hours to 3 days confinement for infringement of prison regulations was imposed on offenders.

### The Sick

There was an extremely sick looking person who had been taken to hospital the previous day, but had been brought back, the Director informed me. In unison, the inmates denied that he had been taken anywhere. He slept in almost the open air throughout the day.

### Cells

Two cells in a dungeon were lit by bulb in the day, and in the night they were turned off. Except for going for their food, they were in the cells all day. In the absence of the Director, however, the inmates said the lights were on the whole day.

One inmate had marks which were consistent with his claim that he had been assaulted by the police.

They had never been given soap, they maintained; and they had also not had water for 3 days.

Food was provided once a day, sometimes it was twice. Unless you paid the police, you were not allowed to be visited, the inmates maintained. When under interrogation, suspects were beaten by the police to extract confession.

I suggested that the lights should be put off in the night; and that all efforts should be made to provide medical attention to the sick.

The commander observed that the conditions of detention were the result of the general situation in the country. Most of the detention centres were built in the colonial era, and had not been rehabilitated.

*23 December 1997*

### *Machava Prison, Maputo*

#### *Discussion with Director and his deputy*

Mumar Tali, the Director had assumed duty only a week previously. Machava was a maximum security prison under the Ministry of Interior. The prison authorities had been notified by their National Director of my visit.

On roll were 422 inmates while it had a capacity for 600. All of the inmates were male. Maximum period of being here was given as 45 days.

### Food

Twice a day the inmates were fed on rice, maize flour, beans and dry fish. Rice is frequent but they preferred maize.

According to the Director, the prison had a doctor and nurses. The prisoners were allowed to be outside in the day.

### Health

One or two prisoners were sent to hospital everyday. I urged the Director to keep an eye on the very sick with a view to sending them to hospital.

### Visits

Because of the outbreak of cholera, visits had been banned.

Before then visits were paid everyday.

### Correspondence

There was no limit to the number of letters which could be written or received.

Prisoners were grouped and housed according to considerations such as the nature of offences committed and age. Uniform was supplied by the authorities.

A church on the compound was used for worship on Sunday, Wednesday and Saturday. A library with booklets was manned by the inmates.

Soccer was played three times a week.

The tight security arrangements did not make for attempt to escape.

#### Complaints of inmates

Money had to be paid before one was released. Some were denied the opportunity to play football. They were locked in cells for unduly long periods. They were assaulted by guards with batons, hand and feet. Those who do not have money to pay investigators did not have their cases investigated, and therefore stayed in detention for unduly long periods. The food provided by the authorities was badly prepared. Food brought by visitors did not all reach their owners. In the young adults section, for instance, the "chief" (of this group) took some of the food, and gave some to others. No soap was provided. A young adult who tried to escape when smoking hard drug was shot at.

He had been at Maclava for 3 months without being taken to the hospital.

In two of the bathrooms water flowed uncontrollably. Pipes for water in the yard were however being repaired.

#### Disciplinary Cell

It would not be easy for the 4 people kept here to have sleeping room.

#### Dangerous Prisoners Section

Inmates here were not allowed to go outside their cells. One had been there since September 1996. Most of the inmates here were being kept at the request of the police. One was serving a 12 year term of imprisonment.

## RECOMMENDATIONS

The recommendations which follow are made after having taken into account, the burdens which Mozambique bear as a result of the long war for independence and the internal struggle between FRELIMO and RENAMO.

1. Steps should be taken to expedite investigation of cases and trial of accused persons. This will reduce the burden on the state by reducing the number of inmates who are cared for by the State.
2. Urgent measures should be taken to set up regimes and programmes for dealing with delinquent juveniles. If this is not done these juveniles will "graduate" into prisons on the attainment of adulthood.
3. Alternative sentences, like community service should be explored and implemented to decongest the prisons and not disrupt social life of those who commit minor offences.
4. The allegation of corruption against the police and prison officers are worthy of investigation for disciplinary action to be taken.
5. Efforts should be made to discourage assault on prisoners, and guards responsible for it should be punished.
6. The distinct impression one gets of guards abandoning extremely sick prisoners to die should be dispelled by, at least getting them to take such sick prisoners to the hospital.
7. The harsh realities of life make a second look at criminalising street vending imperative. While this activity goes on with wanton abandon and without criminal consequences visited even on the elderly in Maputo, it seems immoral for the wares of minors, struggling to eke out a living, to be confiscated in Nampula.
8. With a view to supplementing governmental efforts towards prison reform, Government should encourage NGOs to take an interest in prisons and prisoners.
9. Where prisoners grow and tend fruit trees and crops, as in Maputo Central Prison their diet should be supplemented by the produce of their labour.

10. The traditional method of making soap should be revisited with a view to manufacturing it for use in the prison. This can be produced at the Open Centres. It will also contribute towards the rehabilitation of prisoners at these Centres.
11. Simple implements like brooms and wooden shovels can be made, again by inmates at the Open Centres, for supply to prisons for clean-up work.

## COMMENTS BY GOVERNMENT OF MOZAMBIQUE



REPUBLIC OF MOZAMBIQUE  
**MINISTRY OF JUSTICE**  
*The Minister's Cabinet*

Professor E.V.O. Dankwa  
Faculty of Law of the University of Ghana  
Legon - Ghana

Maputo 28th of August 1998

382/SIC-GM198

Subject: Report on the Mission concerning Prisons in Mozambique - 14-21/12/97

Esteemed Professor,

I acknowledge receipt of your letter dated the 28th of May 1998, reporting on the situation of the prison population in Mozambique.

By means of this letter I wish to express my thanks for the descriptive analysis of the report and your brief comments on the situations which you encountered.

As Your Excellency had the opportunity to verify, prisons in Mozambique lack substantial improvements in infrastructure, equipment, the inmates' diet, training of prison wardens in the treatment of prisoners, the introduction of alternative systems for serving sentences, strengthening of productive, educational and sports activities, and the rehabilitation of the inmates themselves. These situations are being remedied according to reforms that have been occurring in the field of prisons.

I also intend to explain to Your Excellency about the periods of remand in custody required by law, which Your Excellency mentioned in your report, but which require clarification. The Law authorizes different lengths of time for remand, according to whether it concerns remand with or without established guilt.

Thus:

In cases of remand in custody without established guilt:

The Law establishes two periods of remand without established guilt, to wit:

a) lasting up to the notification of charges to the accused or request for instructions to the contrary.

For the first period, we have the durations of remand set out in § 1 of Article 380 of the Penal Code, which are as follows:

- 20 days, for crimes of fraud, for which the correctional prison sentence is over a year;
- 40 days, for crimes which may attract a longer sentence;
- 90 days, for crimes that are instructed exclusively by the Criminal Investigation Police (CIP) (i.e., forging of banknotes, drug trafficking, etc.) or in cases of ceded competence, in which competence may only be granted by the Public Prosecutor;

These remand periods start to count from the day of the arrest.

b) that which goes from the indictment up to the time of sentencing;

For the second period, i.e., in cases of remand up to the time of sentencing, we have § 2 of the same article, which establishes the following periods of remand:

- 3 months, if the offence is susceptible of receiving a sentence corresponding to a proceeding by the Criminal Investigation Police;
- 4 months, for crimes which may attract a sentence after trial.

These periods are counted, not from the day of the arrest, but from notification of the charges to the accused or the request for instructions to the contrary.

At the end of these delays, the Accused must be set free being released on bail and subject to certain conditions determined by the judge

In respect of release on bail and its inherent obligations, the law establishes a special period of remand for situations in which these conditions are not obeyed. Thus, if these conditions are not fulfilled, the period of remand depends on the offence.

There is an exception in cases where release on bail is inadmissible. In these cases, in a despatch giving his reasons and after hearing the Prosecution and the Defence, the judge may straight away set the date for the judicial proceedings which he deems indispensable for the conclusion of the instruction, and may extend the above mentioned periods for a time not exceeding 60 days.

In cases of remand with established guilt:

If any accused persons are in detention, and the period of remand up to the trial has been longer than one year in the case of trial proceedings, six months in proceedings of the Criminal Investigation Police, and three months in the remaining forms of proceedings, the Prosecution will inform the Public Prosecutor of the fact, who will take or propose the appropriate measures, within the terms of Article 337 of the Penal Code, and may request the Supreme Court to set a date for the trial.

I finish by expressing my hope that your work, as Commissioner of the African Commission on Human and Peoples' Rights, will contribute positively towards the prison policies as a whole that are to be introduced and perfected by the Governments of our countries.

Please accept the expression of my highest consideration.

The Minister of Justice

José Ibraimo Abudo

*The original of these comments was in Portuguese*

# TERMS OF REFERENCE FOR THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

## *Mandate*

1. In accordance with its mandate under Article 45 of the African Charter on Human and Peoples' Rights (The Charter), the African Commission on Human and Peoples' Rights (The Commission) hereby establishes the position of Special Rapporteur on Prisons and conditions of detention in Africa.
2. The Special Rapporteur is empowered to examine the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples' Rights.

## *Methods of work*

3. The Special Rapporteur shall
  - 3.1 Examine the state of prisons and conditions of detention in Africa and make recommendations with a view to improving them;
  - 3.2 Advocate adherence to the Charter and international human rights norms and standards concerning the rights of persons deprived of their liberty and the conditions in which they are held, examine the relevant national law and regulations in the respective States Parties as well as their implementation and make appropriate recommendations on their conformity with the Charter and with the Charter and with international law and standards;
  - 3.3 Make recommendations to the Commission as regards communications submitted to it, by individuals who have been deprived of their liberty, by their families or representatives, by NGOs or other persons or institutions;
  - 3.4 Propose appropriate urgent action.
4. The Special Rapporteur shall conduct studies into conditions or situations contributing to human rights violations of persons deprived of their liberty and

recommend preventive measures . The Special Rapporteur shall co-ordinate activities with other relevant Special Rapporteurs and Working Groups of the African Commission and United Nations.

5. The Special Rapporteur shall submit an annual report to the Commission. The report shall be published and widely disseminated in accordance with the relevant provisions of the Charter.

## *Means of implementing the mandate*

6. The Special Rapporteur shall seek and receive information from States Parties to the Charter, individuals, national and international organisations and institutions as well as other relevant bodies on cases or situations which fall within the scope of the mandate described above.
7. In order to discharge his mandate effectively the Special Rapporteur should be given all the necessary assistance and co-operation to carry out on-site visits and receive information from individuals who have been deprived of their liberty, their families or representatives, from governmental or non-governmental organisations and individuals.
8. The Special Rapporteur shall seek co-operation with States Parties and assurance from the latter that persons, organisations or institutions rendering or providing information to the Special Rapporteur shall not be prejudiced thereby.
9. Every effort will be made to place at the disposal of the Special Rapporteur resources to carry out his/her mandate.

## *Duration of the mandate*

10. This mandate will last for an initial period of two years which may be renewed by the Commission.

## *Mandate priorities for the first two years*

11. The Special Rapporteur shall focus on the following activities and in each case shall pay attention to problems related to gender:
  - 11.1 Evaluate conditions of detention, highlighting the main problem areas including: prison conditions, health issues, arbitrary or extra-legal

detention or imprisonment, treatment of people deprived of their liberty; and conditions of detention of especially vulnerable groups such as: refugees, persons suffering from physical or mental disabilities, or children. The special Rapporteur shall draw on information and data provided by the States and other relevant sources.

- 11.2 Make specific recommendations with a view to improving prisons conditions and conditions of detention in Africa and establishing early warning mechanisms in order to avoid disasters and epidemics in places of detention.
- 11.3 Promote the implementation of the Kampala Declaration on Prisons and Conditions of Detention in Africa.
- 11.4 Propose revised terms of reference if necessary, at the end of the two year-period to the African Commission and an overall programme for the following stage.

**Composition**  
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