



**Maputo and Johannesburg**

**November 25, 2019**

**CDD and SAHRDN visit 18 Mozambican election monitors imprisoned in Xai-Xai and calls for their immediate release:**

The Mozambique's Center for Democracy and Development (CDD) and the Southern Africa Human Rights Defenders Network (the SAHRDN) have today called on Mozambican authorities to immediately release the 18 Mozambican election monitors imprisoned in Xai-Xai, Mozambique, for "illegally" monitoring the ballot counting in Chokwe District. The call was made following a prison visit that was conducted by CDD and the SAHRDN on 22 November to see the prisoners and assess the conditions under which they are being detained as human rights defenders (HRDs). This is the first such visit that the prisoners received from any civil society actors since their imprisonment 43 days ago.

"It is astonishing and a travesty of justice that more than 40 days had lapsed from the time of arrest to the time of our visit and yet no charge had been preferred against any of the detainees for any wrong doing" said Prof Adriano Nuvunga, the Executive Director for CDD Mozambique. "Our electoral laws require that any person facing any charges for violating electoral laws be charged and brought to court within 3 days of arrest. Failure to comply with such legal requirements or to charge the detainees of any charge qualify their arrests and detention as arbitrary and therefore wrongful" added Prof Nuvunga.

CDD and the SAHRDN commend the Mozambican authorities for granting CDD and the SAHRDN leave to visit 18 Nova Democracia (New Democracy-ND) party election monitors from the Gaza province who were arrested on October 15, 2019 (election day) in Mozambique. The 18 were initially held in Guija district, but were secretly transferred to Xai-Xai prison without the knowledge of their lawyer or their families. Amongst the 18, there are three (3) females and six (6) students.

Despite being in prison for 40 days, the 18 demonstrated exceptional resilience and were generally in good spirits. In an hour-long conversation with CDD and the SAHRDN, the prisoners flagged overcrowding in prison cells, dietary restrictions, and unsanitary ablutions amongst the main issues needing attention in terms of prison conditions. Xai-Xai prison has a carrying capacity of 70, but there are currently over 300 prisoners posing a clear and present danger to the health of all inmates. Six (6) of the monitors are ill and in need of medical attention. No such medical attention has been given or forthcoming to the inmates by any medical practitioners.

*"Election monitors are human rights defenders. They play a critical role in advancing Africa's ideals as per the AU Constitutive Act of an*

*Africa that promotes and protect human and peoples' rights, consolidates democratic institutions and culture, and ensures good governance and the rule of law even during electoral periods" said Washington Katema, the Regional Program Manager of the SAHRDN. "The prolonged detention of such HRDs without trial or effective judicial oversight violates their right to fair trial." added Mr Katema.*

CDD and the SAHRDN reminds the Mozambican authorities that citizen engagement in electoral process is an entitlement and a right that should be protected and not be criminalized. The prolonged detention of the HRDs violates a number of international human rights law instruments binding on Mozambique including the International Covenant on Civil and Political Rights (ICCPR) and more specifically the the African Charter on Human and Peoples Rights (ACHPR) whose following provisions have been specifically violated and continue to be violated;

*Article 13 of the ACHPR which provides in part that "every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law",*

*Article 6 of the ACHPR which provides that "every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained", and*

*Article 7 of the ACHPR which provides that "every individual shall have the right to have his cause heard" which comprises "the right to be presumed innocent until proved guilty by a competent court or tribunal."*

CDD and the SAHRDN therefore reiterate their call for the detainees to be released forthwith and compensated for the wrongful detention. CDD and the SAHRDN also call on the authorities in Mozambique to use the lessons learnt from this case to take measures to carry out appropriate electoral reforms including electoral dispute resolution mechanisms.

For additional information about this case and CDD and the SAHRDN's visit to the detainees in Xai-Xai please contact Mr. Washington Katema at [wkatema@southernafricadefenders.africa](mailto:wkatema@southernafricadefenders.africa) or +27 73 620 2608 or Prof Adriano Nuvunga at [adriano.nuvunga@cddmoz.org](mailto:adriano.nuvunga@cddmoz.org) or +258 21 418 336