



BOLETIM SOBRE DIREITOS HUMANOS



<https://multimedia.europarl.europa.eu>

www.cddmoz.org

Friday, April 12, 2024 | Year V, NO. 209 | Director: Prof. Adriano Nuvunga | English

FOR CLARIFICATION AND COMBATING KIDNAPPINGS

The completion of the extradition process of Ismael Nangy to Mozambique is of utmost urgency

- Recently, South African Minister of Police, Bheki Cele, disclosed that the extradition process of Ismael Nangy, a Mozambican citizen arrested on January 8, 2023, in Centurion, Pretoria, is nearing completion. Nangy, accused by Mozambican authorities as the mastermind behind multiple kidnappings, has been the subject of an international arrest warrant since July 2022.





Ismael Nangy is named by the Attorney General's Office (PGR) as the mastermind behind the kidnappings. The Center for Democracy and Human Rights (CDD) argues that it is very urgent to complete the extradition process for Ismael Nangy. For CDD, carrying out arrests (as the Government has been doing) of people, some of whom have no relevance in the kidnapping chain, despite being important, does not solve the problem.

Mozambique has witnessed a significant rise in kidnapping cases, with the Police of the Republic of Mozambique (PRM) reporting 185 cases and over 288 individuals detained on suspicion of involvement since 2011.¹

According to these data, the prevalence of this crime is particularly notable in Maputo, followed by the province of Maputo and Sofala, with 103, 41 and 18 cases registered, respectively, in these regions.

Among the detainees are drivers, vehicle owners, captors, guards, and other accomplices, while those directly responsible for orchestrating the kidnappings remain elusive. Ismael Nangy stands as the only individual currently in custody, identified as one of the principal figures behind the kidnappings. However, his extradition to Mozambique has been delayed purportedly due to the absence of

a formal extradition agreement between the two nations, despite the existence of a Protocol on Extradition within the Southern African Development Community (SADC), ratified by Mozambique.

Speaking recently to STV channel, the Minister of Justice, Helena Kida, explained that "unfortunately, Mozambique and South Africa still do not have an extradition agreement. Indeed, we have already started the process of signing the extradition agreement that allows South African citizens who commit any criminal action while in Mozambique to be extradited and the same happening with Mozambican citizens in South Africa. It is in the finalization phase and it is not due to the inertia of our State; We have every interest."

Since the minister's statements, CDD has highlighted that the absence of an extradition agreement between Mozambique and South Africa does not hinder the extradition of criminals between both states. No formal extradition agreement has indeed been signed between the two countries, enabling either State to request and obtain the surrender of a person convicted or suspected of a criminal offense. However, as mentioned by the minister, the process leading to the establishment of such an Extradition Agreement is currently underway.

¹ <https://clubofmozambique.com/news/south-africa-finalising-extradition-of-mozambican-kidnap-mastermind-256731/>

Nevertheless, it's crucial to consider that SADC member countries adopted a Protocol on Extradition in Luanda in October 2002, which Mozambique ratified through Resolution no. 36/2010 on December 28. Article 2 of the Protocol stipulates that States Parties commit to reciprocal extradition, following the Protocol and their respective national laws, of any person under their jurisdiction requested for criminal proceedings or the enforcement of a penalty in the Requesting State for an offense subject to extradition proceedings. This implies that a request for surrender of a specific individual in any SADC State, who has committed a criminal offense, by a member State, does not hinge on the existence of a bilateral Extradition Agreement, since States are bound to cooperate under the Protocol.

In fact, it's noteworthy that in the procedural strategy for the extradition of former Finance Minister Manuel Chang to Mozambique, who was detained in South Africa at the behest of the United States for alleged involvement in financial misconduct, the Mozambican Government relied on the SADC Extradition Protocol, given the absence of a bilateral extradition treaty between Mozambique and South Africa.

In light of Bheki Cele's recent statements, made after a meeting with the Government, CDD stresses the urgent need to expedite the extradition process for Ismael Nangy. According to CDD, the Government's emphasis on making arrests, while important, particularly of individuals with marginal relevance to the kidnapping network, does not address the root issue.

We reaffirm that Nangy's extradition to Mozambique is crucial not only for him to face trial and be held accountable for his alleged crimes but also has the potential to signify a new chapter in the State's battle against this form of crime since 2011. This is especially significant considering the wealth of information that will be garnered from investigating the case and producing evidence.



Speaking recently to STV channel, the Minister of Justice, Helena Kida, explained that “unfortunately, Mozambique and South Africa still do not have an extradition agreement. Indeed, we have already started the process of signing the extradition agreement that allows South African citizens who commit any criminal action while in Mozambique to be extradited and the same happening with Mozambican citizens in South Africa. It is in the finalization phase and it is not due to the inertia of our State; We have every interest.”





Construindo uma sociedade democrática que promove, protege e respeita os Direitos Humanos.

Building a democratic society that promotes, protects, respect human rights & transform people's lives.

EDITORIAL INFORMATION

Property: CDD – Centro para Democracia e Direitos Humanos
Director: Prof. Adriano Nuvunga
Program Assistants: Artur Malate; Yara Carina Lamúgio; Stella Bié
Author: CDD
Layout: CDD

Address:
Rua de Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.
Telefone: +258 21 085 797

 CDD_moz
E-mail: info@cddmoz.org
Website: <http://www.cddmoz.org>

FINANCING PARTNERS

