

TRIAL OF "MATAVELE CASE"

The long struggle to hold the state accountable has begun



Confined in a modest courtroom in Gaza Province Judicial Court, three judges from the fourth criminal section, two prosecutors, two lawyers for the Matavele family, five defense lawyers, deponents, bailiffs, and prison guards witnessed the start of the trial of the seven defendants accused of shooting the social activist, Anastácio Matavele.

COVID-19 reduced the audience's attendance in the courtroom and helped to mask the defendants' facial appearance, but not their identity. They are Euclídio Mapulasse, 33 years of age, 1st corpo-

ral of the Police assigned to the Rapid Intervention Unit (UIR), in the Special Operations Group (GOE); Edson Silica, 34 years of age, deputy police inspector at GOE; Tudelo Guirugo, 46 years of age, GOE commander in Gaza; Alfredo Macuácuá, 46 years of age, PRM member and commander of the Rapid Intervention Unit (UIR) in Gaza; Justino Muchanga, 53 years of age, member of PRM and responsible for UIR arms depot in Gaza; Januário Rungo, 51 years of age, member of PRM and chief of the UIR staff in Gaza, Ricardo Manganhe, 41 years of age, a teacher.



The following respond in freedom: Ricardo Mangane, the teacher who brought the Toyota Mark X to the snipers and used in the murder, accused of material authorship of the crime of association for delinquency and complicity in qualified homicide; Justino Muchanga, accused in the crimes of covering up the qualified homicide and forgery practiced by a public servant; and Januário Rungo, also accused of covering up the homicide and complicit in the crime of counterfeiting.

The defendants Edson Silica, Euclídio Mapulasse, and Tudelo Guirugo are held in preventive detention for the material authorship and consummated crime of qualified homicide, and the crime of association to commit a crime. Also in preventive detention,

commander Alfredo Macuácuá is responsible for the crime of moral authorship, in the consummated crime of qualified homicide, and the crime of association to commit a crime.

FRELIMO member Henriques Machava, Chibuto's mayor, had a resounding and overwhelming luck to escape the accusation, although he was the owner of the vehicle used in the crime. In the indictment, the Public Prosecutor's Office says that Machava gave up his Toyota Mark X to his colleague and education technician in Chibuto municipality, Ricardo Mangane. The latter, in turn, handed over the vehicle to Nóbrega Muchanga for the crime, which took place 48 hours later.

Mapulasse: the special agent who participated in the mission without knowing anything about it

After reading the final indictment and the order for pronouncement, Judge Ana Liquidão started the hearing of the defendants, calling to the front seat Euclídio Mapulasse. 1st Police Corporal with 11 years in the corporation. Mapulasse confirmed that he was part of the platoon that took Anastácio Mataleve's life, but he denies having shot the victim. "I was sitting in the middle. There was no way", he said in response to the question if he would have shot Anastácio Mataleve. Even if he was

sitting at the door of the car, he said that he "couldn't" shoot. But why? "I don't know, I don't have an answer."

Basically, Mapulasse gave the impression that he was an accused who knew nothing about the mission: he said that the one who knew everything, the victim to be killed, and the reasons for the killing is Agapito Mataleve, the platoon commander who is on the run since October 7.

It was Agapito who informed him, on September

19, that he had a mission to carry out and that had to interrupt working or, better, interrupt his “shift”, in police language. On the same day, he went to the UIR’s arms depot to pick up the Chinese 9mm Norinco handgun for the mission. He left the gun in a case in the barracks and did not pick it up until October 6, the day before the crime. But he never fired it: “It was Agapito and Martins Wiliamo who fired (Wiliamo died in the accident in which the defendants’ car was involved after Matavele’s murder). There were 13 bullet holes counted on the driver’s side.

He confirmed that he had participated in the meetings on October 4, 5, and 6, but yesterday he denied that they had been summoned to discuss the mission and the distribution of tasks. Commander Agapito did not speak about the mission. “He just invited us and when he got there he started paying for beer”. First, it was in the social center at Centro de Recrutamento in the city of Xai-Xai and later at the Xirico bar.

However, at the first interrogation, he said that these meetings were to discuss the mission and that the UIR commander, Tudelo Guirugo, who coordinated the preparatory acts, participated in them. In

addition to being the location for the preparation of the mission, and the drinking of beer, the Xirico bar is mentioned as the place where the platoon received t-shirts, capulanas, and caps during Frelimo’s campaign, from Alfredo Augusto Chichongue. Even at the first interrogation, Mapulasse said that Matavele’s murder should have been committed before October 7, but this did not happen due to the presence of Filipe Nyusi in Gaza province. In fact, Frelimo candidate campaigned in that province between October 1 and 3, 2019, and four days after leaving Gaza, Matavele’s voice was silenced.

In addition to the strategy of “assigning” the blame to the colleague who died in the accident and the fugitive Agapito Matavele, yesterday, Mapulasse said that he was still traumatized by the accident when he was subjected to the first interrogation, consequently he made revelations that he does not subscribe to today.

In the accident on October 7, Mapulasse suffered minor injuries, in so much that he left the accident scene and walked to a sister’s home, whom he asked to call Januário Rungo, the UIR chief of staff in Gaza. But he ended up being rounded and detained at the 2nd Police Station.

Flávio Menete reinforces the assistant of Matavele’s family in the struggle to hold the State accountable

Scheduled to start at 9:00 am, the first session of the trial did not begin until 10:30 am. The delay was because the lawyer for the Matavele family’s assistant requested the court to include another lawyer, namely Flávio Menete, the former president of the Bar Association.

The request was accepted, and it is with two lawyers that the Matavele family fights to hold the State accountable for the crime committed by its agents, some of whom hold leadership positions in the police hierarchy. On the other hand, the Public Prosecutor’s Office insists that the murder of Matavele was of particular interest to the defendants, which is why it argues that the State cannot be jointly and morally obliged to pay a compensation of 35 million meticais in favor of the victim’s heirs.

It is a legal battle that promises heated debates at this stage of the hearings of the trial, and the kick-off was given yesterday, when Matavele’s family lawyers protested, next to the court, against some questions posed by the Public Prosecutor’s Office to the defendant Mapulasse. In an attempt to demonstrate that Matavele’s murder was not a state crime, the Public Prosecutor’s Office insistently asked whether the accused knew how to distinguish a state mission from a particular interest. And whether the mission that took Matavele’s life was state-owned or not. The lawyers for the Mata-



Flávio Menete former president of the Bar Association

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vele family understood that these questions were biased and forced the defendant to pass judgment.

Even so, the court authorized Mapulasse to respond, and he said that from the moment he was

arrested he began to believe that it was not a state crime. However, he said he did not derive any personal benefit from participating in the mission that he claims to be unaware of its true motivations.

Yesterday, it was clear that the defendants continue to receive their salaries, but Mapulasse said he did not know whether the salary increased or decreased after the crime was committed. And he said he did not remember the bank through which the state pays his salary.

When asked whether he was subject to disciplinary action by the police, Mapulasse responded positively but said there was still no decision. "The instructor of the disciplinary process is Albino Xavier Nhanombe, the chief inspector of the Police".

Today, the trial continues with the hearing of more defendants. Another day of hard work for the zealous officials of the Court of Gaza responsible for screening those who may have access to the session room. All of this is done in the name of COVID-19.

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