

DAY 8 OF "MATAVELE CASE" TRIAL

The day the judge pulled out the hammer to prevent the courtroom from becoming a circus



The last session of the hearing of deponents could have been quieter and shorter, had it not been for the return to the stage of the lawyer Elísio de Sousa, appointed by the General Command of the Police to defend the Special Operations Group (GOE) officers involved in the murder of Anastácio Matavele.

Absent in the previous three deponent hearings, Elísio de Sousa entered into the courtroom, on Friday, taking with him copies of the weekly newspapers, SAVANA and Canal

de Moçambique, the only ones that highlight the first trial of a "death squad". In fact, as he insisted on writing on his Facebook page, he is the baobab that the press tries to overthrow. With simple axe blows.

When the judge, Ana Liquidão, announced the opening of the session, there was the "illustrious lawyer" with his previous questions that only resemble the circus. He complained about the reports concerning the trial that the two weekly newspapers have been reporting, showing the copies to the

Court. The judge did what she had to do: she devalued Elísio's false problem and said that she was not in the courtroom to discuss the work of the press.

Then, the hearing of the Personnel Director at the PRM Provincial Command in Gaza started. He was asked by the lawyers of the Matavele family to clarify doubts about the hierarchies and patents in the corporation raised during the interrogation of the defendants. Specifically, Flávio Menete wanted to know in what circumstances a hierarchical superior may have subordinates with a higher rank than his own.

Elísio de Sousa protested the question, considering it biased and that, with the same question, the lawyer for the Matavele family sought to obtain the opinion of the deponent. The discussion that followed took more than 10 minutes, with Elísio de Sousa taking the lead.

"Your Honor, perhaps to remind the deponent that he is not obliged to answer", he declared. The judge imposed the order and questioned the deponent, who answered them without any problem. He started by explaining that having the rank of an Inspector is one of the conditions to be appointed a Platoon Commander. And the uncomfortable question for the defense came: In what circumstances can the Platoon Commander have a lower rank in relation to his subordinate? Libombo replied without hesitation: "Although it is not practical, it does happen. And it happens to the extent that there are promotions for seniority, merit, and trust. And this can happen in the following case: at the time of the Platoon formation, two members have the rank of 1st Corporal, but later one is promoted to Sub-Inspector for seniority".

The Personnel Director gave a practical example: "The Head of the Traffic Police De-

partment in Gaza is a Police Superintendent, but he has, in his department, some officers who are Chief Police Superintendents. That is, officers who are superior to him in terms of the patent. But these Chief Police Superintendents owe obedience to their Commander, even if he has a lower rank".

Flávio Menete returned to the charge: "Do you know what will have happened between Agapito Matavele and Edson Silica to have the Platoon Commander with the lower rank and the subordinate with the higher rank?"

Before the reply, the defense asked: "We cannot allow a deponent to respond on matters in the file. They are asking you questions about specific names. But he doesn't know these people, much less what would have happened. This way of asking is speculative", said Elísio de Sousa. "He (Flávio Menete) is helping the Court to produce the sentence", added another defense lawyer, arrogantly.

The judge did not like it and pulled out the hammer: "Gentlemen, he is answering about the patents. He is not responding to the matter of the process". Ana Liquidão repeated the question of the lawyer

for the Matavele family and the deponent replied that he did not know, specifically, what would have happened in the case of Agapito and Silica. "The Personnel Directorate is not responsible for appointing the managerial and leadership functions, but for the structure assembled in the UIR sub-unit. The Platoon Commanders are appointed by the Commander-in-Chief of the Police on a proposal from the Commander of the UIR sub-unit", he explained.

When it was time for the defense to ask questions to the Personnel Director, Elísio repeated some questions that had already

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been asked to the deponent, such as the functions he plays in the Police; and whether it was up to him to clarify questions concerning promotions and demotions. The judge questioned the relevance of the questions, and Elísio exploded: "The questions that interest the Court are only those that will harm the defendants".

"Don't speak arrogantly, don't speak arrogantly", warned the representative of the Public Prosecutor's Office. And a cheap show started, with the unfortunate Elísio bringing to the audience and courtroom the discussion concerning the use of masks, his health state of being asthmatic, all in a vain attempt to justify his flamboyant speeches.

Signature expert was the last deponent heard by the court

the judge called for the second deponent: Lázaro Filipe, one of the experts who analyzed the signatures of Tudelo Guirugo (GOE Commander) and Justino Muchanga (Head of the Armament Section at Gaza UIR). These are the items on the register where the checking out and in of weapons is registered. Tudelo was the one who collected the AK 47 used in the murder of Matavele and later hidden at the cemetery by Agapito; Justino Muchanga collected two guns used in the crime.

"After the investigation, we concluded that there is no coincidence between the signatures in the register and the samples that we collected", Lázaro Filipe explained. For a signature to pass the test, it must have, at least, four particular characteristics (specific to the individual) that coincide with the samples collected, namely the pressure, the direction of the letter, the movements, and the connection between the letters. For a handwritten signature, at least, eight particular writing characteristics that match the samples are required for it to be considered valid.

Tudelo and Muchanga's samples were collected in 10 A4 sheets and none of them had a single particular characteristic to coincide with the signature on the register.

When asked to present his questions, Elísio de Sousa started by frightening the deponent: "You are being heard as an expert. You know you can't lie. If you lie, it is a crime". Then, he went on to the questions: "In the signature of Muchanga and Tudelo, there was no coincidence. That's what you said. What does that indicate? That there was an attempted forgery or the signatures were different?" He asked,

in an aggressive manner. Lázaro Filipe replied that he did not know and that it was not up to him to presume whether the conclusions they reached indicated an attempt at forgery. "You must know. You said you're an expert. Or was it not necessary to be an expert to get to the conclusion you reached?"

On a busy day, the judge again appealed for calm and asked lawyer Elísio to avoid asking questions aggressively. "Your Honor, I am not being aggressive. I'm screaming because of the mask. If I am allowed to remove the mask, I will lower my voice", he explained, having his nose out of the mask.

Returning to the deponent, Elísio questioned where the samples used in the investigation were. "I need to see these samples in the process. You may have analyzed samples from other people and not from the defendants who are present here. We may require new expertise", he declared, in an attempt to disqualify the work done.

Ana Liquidão shook her head and said: "This is the problem of you not consulting the process. The experts did their job and sent the report that is in the file". Then, she passed the long file to the lawyer, Elísio, who, after consulting the file, returned it to the judge with his head downward.

At the end of the session, he still tried to introduce the discussion on the work of the press, but the judge remained unyielding in her positions.

After the deponent hearings were over, the Gaza Province Judicial Court scheduled the presentation of the final allegations for Thursday.

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INFORMAÇÃO EDITORIAL:

Propriedade: CDD – Centro para a Democracia e Desenvolvimento
Director: Prof. Adriano Nuvunga
Editor: Emídio Beula
Autor: Emídio Beula
Equipa Técnica: Emídio Beula, Agostinho Machava, Ilídio Nhamumbo, Isabel Macamo, Julião Matsinhe, Janato Jr. e Ligia Nkavando.
Layout: CDD

Contacto:
Rua Eça de Queiroz, nº 45, Bairro da Coop, Cidade de Maputo - Moçambique
Telefone: 21 41 83 36

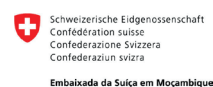
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