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Court illegally detains citizens involved in the popular Demonstration of July 14th

- The exercise of the fundamental right to freedom of assembly and demonstration is one of the core issues of the democratic rule of law, since it is through the materialization of this freedom that citizens can freely express their opinions, namely criticize the actions of those who exercise political power, make demands, i.e., raise their voices against any injustice and any tyranny of those who exercise power.



Without freedom of assembly and demonstration there will never be true democracy, because this right is also a human right, which throughout a progressive historical process has been affirmed as one of the main tools of popular participation in democratic countries.

The full exercise of the right to freedom of assembly and demonstration must be evaluated by the citizens' possibility to assemble and demonstrate without hindrance and, above all, without the need for prior authorization, both as to the freedom to call meetings or demonstrations and the freedom to participate in them.

In other words, the right not to be disturbed by others in the exercise of this right, including the protection of the State, equally the right to use public places and public roads, as well as the right to self-determination over the place, time, form and content of the demonstration.

It is, therefore, the State's responsibility to ensure the full exercise of this right, and the police authorities are responsible for safeguarding the continuity of public order, not neglecting to defend the promoters and participants from any type of event or act aimed at preventing the right to demonstrate. However, the protective nature that the police must follow when a demonstration takes place implies not only a general duty of protection, but also a duty of non-interference.

The Center for Democracy and Development (CDD) received with concern the information that most of the Mozambican citizens illegally detained in the context of the demonstration of July 14th had their prison status maintained by the criminal investigation judge, and are currently being held in various prisons in the city and province of Maputo.

In a democratic political regime it is essential to be aware of the difficulties inherent to the balance between security and freedom, so the actions of the police must be consistent with the maximum respect for the rights, freedoms and guarantees of citizens. The continued imprisonment of the people who participated in last week's "strike" demonstrates the capture of



the Mozambican judicial system by the political power, since those citizens were arrested and charged with participation in a riot¹ and disobedience to the order to disperse a public meeting², crimes punishable by sentences of up to one year in prison and a fine.

This means that, under the terms of the criminal procedural law³, they should have been released immediately by the investigating judge, since the sentence applicable to the crimes of which they are accused is less than two years and, under the terms of the criminal procedural law, there can be no place for this measure of restraint in such cases.

In fact, there was an excess of zeal on the part of the police forces who forgot that simply foreseeing the occurrence of possible acts of violence and riots is not enough to legitimize the

¹ Artigo 349 do Código Penal

² Artigo 351 do Código Penal

³ Alinea a) do número 1 do artigo 243 do Código de Processo Penal

banning of the demonstration.

Even more worrying is that the justice institutions that apply the most serious measure of coercion - preventive detention - to citizens illegally detained when they were exercising their right to freedom of demonstration, are the same ones that keep free individuals involved in the scandal of the customs exemptions that damaged the Mozambican state in more than one thousand and six hundred million meticaís, as well as the former President of the Board of Directors of the Agrarian Development Fund, Setina Titosse.

This shows that Mozambican justice is selective, being hard and implacable with the peaceful citizen, and soft and complacent with the white-collar crooks.

At a time when the problem of overcrowding in Mozambican jails is being discussed, the detention of these Mozambicans for simply expressing their dissatisfaction due to the high cost of living in Mozambique is unreasonable and a serious violation of the right to freedom.

These arrests are primarily a means that the regime has found to intimidate other citizens so that they cannot revolt and express their dissatisfaction over the harsh living conditions to which all Mozambican people are subjected by the Frelimo government.

The CDD is committed to do everything possible to return to freedom those citizens illegally and unjustly imprisoned in various prisons following the popular demonstration of July 14th .



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