



# BOLETIM SOBRE DIREITOS HUMANOS



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

[www.cddmoz.org](http://www.cddmoz.org)

Thursday, March 12, 2026 | Year VI, NO. 536 | Director: Prof. Adriano Nuvunga | English

## Habeas Corpus and the rule of law test in Mozambique

- The habeas corpus petition filed by the Centre for Democracy and Human Rights (CDD) on behalf of 42 Nigerian citizens detained at the premises of the Criminal Investigation Service (SERNIC) in LÍngamo brings to the forefront a fundamental question: to what extent is Mozambique's justice system complying with the legal guarantees that govern the deprivation of liberty?



According to the elements presented in the petition, the individuals were arrested on 28 February 2026 during a police operation. More than eleven days later, they remained in police custody without having been presented before an Investigating Judge for the first judicial interrogation.

This situation raises a clear legal issue. The Mozambican Criminal Procedure Code requires that a detained suspect be presented before a judge within a maximum period of 48 hours after the arrest. This rule is not a mere administrative formality; it is a fundamental safeguard designed to protect individuals from arbitrary detention.

The first judicial interrogation plays a central role in the criminal justice system. It allows an independent judge to assess whether there are sufficient legal grounds to maintain a person in custody. Without such judicial oversight, detention remains exclusively under police authority, which is incompatible with the basic principles of the rule of law.

The habeas corpus petition invokes precisely this violation. Under Article 263 of the Criminal Procedure Code, any detained person may request immediate presentation before a judge when the legal deadline for being brought under judicial authority has been exceeded.

Beyond the delay in judicial presentation, the petition also points to the absence of minimum procedural information. According to the lawyers involved in the case, it has not been possible to obtain the case number, identify the public prosecutor responsible, or access any judicial order or warrant that would justify the continuation of the detention.

If confirmed, these circumstances would move the situation beyond a simple procedural irregularity and into the realm of deprivation of liberty without effective judicial control.

Habeas corpus exists precisely to address such situations. It is a constitutional safeguard designed to ensure that no person remains deprived of liberty without legal justification and judicial supervision.

The case of the 42 Nigerian citizens therefore represents an important test of how Mozambique's constitutional and procedural guarantees are applied in practice.

In a state governed by the rule of law, liberty is the rule and preventive detention is the exception, strictly limited by law. When legal deadlines are ignored, the justice system must intervene to restore legality.

That is precisely the function of the habeas corpus petition now before the courts.

**The case of the 42 Nigerian citizens therefore represents an important test of how Mozambique's constitutional and procedural guarantees are applied in practice.**





## MISSION:

*Inspiring and driving actions to protect human rights, strengthen democracy, and promote justice.*

### EDITORIAL INFORMATION

**Property:** CDD – Centro para Democracia e Direitos Humanos  
**Director:** Prof. Adriano Nuvunga  
**Editor:** André Mulungo  
**Program Assistants:** Artur Malate; Sheila Wilson; Marcia Massosste  
**Author:** CDD  
**Layout:** CDD

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

 CDD\_moz  
**E-mail:** info@cddmoz.org  
**Website:** <http://www.cddmoz.org>

### FINANCING PARTNERS

