

# PRISON REFORMS IN MOZAMBIQUE FAIL TO TOUCH THE GROUND

## Assessing the experience of pre-trial detainees in Maputo

TINA LORIZZO\*

concetta.lorizzo@uct.ac.za

*This article presents the findings of research on pre-trial detention in the Mozambique capital city Maputo. Conditions of detention and access to legal representation of a group of pre-trial detainees are analysed within the context of development of the prison system in Mozambique. The research shows that while progress has been made at the legal and institutional level of the prison system, reforms have yet to impact on pre-trial detainees' lives.*

Since 2009 the Open Society Foundations (OSF) has been conducting a global campaign on pre-trial justice;<sup>1</sup> highlighting issues such as the conditions in which pre-trial detainees are held and the socio-economic consequences that these detainees encounter while in detention. The European Commission (EC) also conducted a 2007 study that analysed the minimum standards of pre-trial detention in the member states of the European Union.<sup>2</sup> In Africa, too, civil society organisations and academic institutions have considered the plight of pre-trial detainees.<sup>3</sup>

Research has focused on the conditions of detention and access to legal representation of detainees incarcerated in prisons and police custody.<sup>4</sup>

The UN Working Group on Arbitrary Detention<sup>5</sup> and the Special Rapporteur on Prisons and Conditions of Detention in Africa (SRP)<sup>6</sup> have shown that the conditions and socio-economic consequences of detention are tougher for pre-trial detainees than for sentenced prisoners.<sup>7</sup> Pre-trial detainees are often exposed to violence and torture, are subject to the arbitrary decisions of corrupt officials, and have to share their cells with sentenced prisoners. In many countries access to food, water and sanitation is inadequate, increasing the exposure of pre-trial detainees to diseases.<sup>8</sup> More often than not pre-trial detainees do not know their basic rights and rarely get to

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\* Tina Lorizzo is a PhD candidate at the Centre for Comparative Law in Africa, University of Cape Town. As a practitioner, she worked as a lawyer at the Institute for Legal Assistance in Maputo. She currently works with Article 5 Initiative for the prevention and eradication of torture in Mozambique.

see a lawyer before their trial.<sup>9</sup> In addition, they are more likely than sentenced prisoners to lose their jobs and their homes while in custody.<sup>10</sup>

In 2001 the SRP found that pre-trial detainees in Mozambique lacked access to legal representation and suffered deplorable conditions while in prison.<sup>11</sup> In 2006 a study by the Open Society Initiative Southern Africa (OSISA) noted that 'conditions of detention in police cells and prisons are not compliant with the UN Minimum Standard Rules for the Treatment of Prisoners (SMR),<sup>12</sup> with severe overcrowding, poor physical infrastructure and an ensuing lack of sanitary conditions and access to basic health care.'<sup>13</sup>

Pre-trial detention in Mozambique remains a critical issue. This article shows that although the Mozambican prison system has improved at a legal and institutional level, much more needs to be done to improve the lives of pre-trial detainees.

## METHODOLOGY

The research on which this article is based<sup>14</sup> aimed to explore the conditions of detention and access to legal representation of 20 pre-trial detainees in the Central and Civil Prisons of Maputo. These two establishments are where the majority of pre-trial detainees in the capital city are imprisoned. However, in Maputo pre-trial detainees are also held in the women's prison, police stations and the General Command of the Criminal Investigative Police (Policia de Investigação Criminal, PIC).<sup>15</sup>

Statistics collected in the Central and Civil prisons on 29 November 2011 found that both centres hosted 2 273 people, 1 160 of whom were pre-trial detainees. The researcher interviewed 20 pre-trial detainees at these facilities.

The Mozambican National Prison Services (Serviços Nacional das Prisões, SNAPRI) authorised private face-to-face interviews with the detainees. The participants were selected by the authorities of each prison. Open-ended questionnaires were used to assess the conditions of detention and access to legal representation.

The conditions of detention and access to legal representation of these 20 detainees cannot be considered nationally representative. However, the findings reflect challenges confronted by pre-trial detainees at these institutions.

Among the 20 detainees, 17 were Mozambicans and three were foreigners. Nine respondents were older than 30, seven were between the ages of 22 and 30 and four were between the ages of 16 and 21. Fifteen of the 20 respondents were accused of robbery or theft, two of murder, one of drug trafficking, one of assault and one of election fraud (trying to vote twice in the presidential election).

## OVERVIEW OF PRISONS IN MOZAMBIQUE

There are 184 centres of detention in Mozambique under the authority of the Ministry of Justice.<sup>16</sup> Establishments include central, civil, provincial and district prisons, and labour camps (*centros abertos*), located in the country.<sup>17</sup>

In Maputo there are five prisons: central, maximum security, civil, a women's prison and the new juvenile centre built in 2011. Some academic research has focused on conditions of detention in Maputo prisons,<sup>18</sup> however, there is a lack of accurate information about the situation of prisons in the other Mozambican provinces.<sup>19</sup>

The SNAPRI is the only governmental body that releases regular statistics on the prison population. Its statistics go back as far as 2006, when it was established. Every year national statistics are published on the website of the International Centre for Prison Studies (ICPS) at Kings College at the University of Essex. The ICPS has assisted the SNAPRI in developing appropriate policies on prisons and disseminating prison data. Mozambique had an estimated 16 881 prisoners in June 2012, with a pre-trial population of 38%.<sup>20</sup>

Data available from other sources (see Table 2) show that while the total prison population has doubled in the last decade, the number of pre-trial detainees appears to have remained stable.

**Table 1:** Mozambican prison population 2012

Total prison population	16 881 (June 2012)
Pre-trial detainees	6 415 (June 2012) 38% of the total prison population
Prison population rate (per 100 000 of national population)	69 (on an estimated national population of 24,43 million at June 2012)
Female prisoners	2,2% (2009)
Foreign prisoners	0,9% (June 2012)

Data available from the International Centre for Prisons Studies

**Table 2:** Prison population 2000 – 2012

Year	2000	2006	2012
Prison population	8 812	15 000 ca.	16 881
Pre-trial detainees	6 422	7 950 ca.	6 415

Data 2000 available from *O Sistema Prisional em Moçambique*; data 2006 available from *AfriMap, Mozambique: Justice Sector and the Rule of Law: A Review*; data 2012 available from the International Centres for Prisons Studies.

## PRISON LAW

The prison system is still regulated by the colonial-era Law Decree 26 643 of 28 May 1936.<sup>22</sup> However, in 1975, after independence, prisons were unified under the Ministry of Justice with Law Decree 1 of 1975 and monitored through the Inspectorate of the Prisons (*Inspecção Prisional*). The creation of the Criminal Investigation Police (*Policia de Investigação Criminal, PIC*) placed the detention centres for pre-trial detainees under the Ministry of the Interior while all the other prisons remained under the Ministry of Justice.

Since independence, Mozambique has signed and ratified the majority of regional and international human rights instruments.<sup>23</sup> However, many of the principles of international law still need to be substantively developed in the Mozambican context as well as within the prison system, and various international protocols need to be ratified.<sup>24</sup>

The new Constitution of the Republic of Mozambique (*Constituição da Republica de*

Moçambique, CRM) was enacted in 1990 and amended in 2004. The CRM recognises individual rights and freedoms that had been denied under the 1975 Constitution. CRM Article 64 fixes conditions for pre-trial detention, stating:

1. Pre-trial detention shall be permitted only in cases provided for by the law, which shall determine the duration of such imprisonment.
2. Citizens held in pre-trial detention shall, within the period fixed by law, be brought before the judicial authorities who alone shall have the power to decide on the lawfulness and continuation of the imprisonment.
3. Everyone deprived of their liberty shall be informed promptly and in a way that they understand of the reasons for their imprisonment or detention and of their rights.
4. The judicial decision by which an imprisonment or detention is ordered or maintained shall be communicated at once to a relative.

In 2002, following the recommendations of the Kampala Declaration on Prison Conditions in Africa,<sup>25</sup> Mozambique adopted the Prison Policy n. 65/2002. The Kampala Declaration aimed to reduce the widespread number of pre-trial detainees in Africa by ensuring that detainees were kept in remand detention for the shortest possible period, and establishing a system of monitoring conditions of detention.<sup>26</sup> However, the Mozambican policy contains only broad guidelines in relation to the conditions of detention of pre-trial detainees.<sup>27</sup>

The sole body in charge of the management and administration of prisons, the SNAPRI, was created by law decree in 2006. The SNAPRI is subordinate to the Ministry of Justice and its duties include oversight of prisons, management supervision, as well as the execution of security measures and the promotion of labour and work opportunities for prisoners. However, the SNAPRI is severely hampered by a shortage of funds and trained human resources.<sup>28</sup>

The appointment of Benvinda Levi as Minister of Justice in 2008, and her commitment to the

respect of the rule of law and prisoners' human rights has led formerly secretive places such as prisons to open their doors to civil society, the media, national NGOs and academic researchers.<sup>29</sup>

In 2009 the Ministry of Justice welcomed an UNDP project aimed at strengthening national capacity and supporting legal reform in the prison sector.<sup>30</sup> The goal of the project was to improve the prison service's efficiency by bringing the legislative framework of the prison system in line with the Constitution and with universally accepted principles on the treatment of prisoners. The project also aimed to reduce prison overcrowding and social rehabilitation by introducing alternatives to imprisonment, motivated by the overpopulation of prisons, poor conditions of detention, and a lack of access to justice.

Mozambican prison law is currently in the process of being revised and new legislation on alternatives to prisons has been approved by the Council of Ministers.<sup>31</sup> While these reforms have focused on legal and institutional changes, it is hoped that they will improve the lives of pre-trial detainees.

## RESEARCH FINDINGS

### Prisons

The Civil and Central prisons of Maputo were built during the colonial era. The Civil Prison with a capacity of 250 prisoners was built during the 1930-40s, while the Central Prison was built during the 1960s to house about 700 prisoners.

The Central Prison is situated in Machava, a mainly residential suburb in the north-western outskirts of the capital city. The Civil Prison is located in the diplomatic and residential neighbourhood of Sommerschild.

### The prison population

Statistics collected through interviews with the directors of the prisons showed that in November 2011 the Civil Prison housed 143 people, while

the Central Prison housed 2120 people. The conversion of the Civil Prison into a public utility building may be the reason for the low number of detainees in this establishment.<sup>32</sup>

The following table provides a breakdown of the prison population of the two prisons.

**Table 3:** Prison population at Central and Civil Prisons

	Civil Prison	Central Prison
Male	125	2 120
Female	12	–
National pre-trial detainees	131	911
Foreign pre-trial detainees	6	6
National sentenced prisoners	–	1 196
Foreign sentenced prisoners	–	7

In Central Prison, 167 sentenced prisoners were between 16 and 21 years old, 128 were serving correctional sentences, while 30 were serving sentences longer than two years. Among the pre-trial detainees 499 people were detained beyond the legal pre-trial detention terms,<sup>33</sup> 276 had been detained for more than three months, while 223 had been detained for more than one year.

### Conditions of detention

The Universal Declaration of Human Rights (UDHR), the ICCPR and the UNCAT, the UN Standard Minimum Rules for the Treatment of Prisoners (SMR) and other international guidelines for the protection of people in custody assert the importance that conditions of detention have on the lives of people detained.<sup>34</sup>

Conditions of detention refer to the physical characteristics of the infrastructure, access to light and ventilation, level of occupation of cells, and access to food, drinkable water and sanitation. They also refer to any other situation that impacts on an incarcerated person. Any person in custody has the right to be charged within a reasonable time, to be presumed innocent,<sup>35</sup> and to be treated

with dignity.<sup>36</sup> Prisoners also have the right to be informed about their responsibilities and rights inside prison, to have access to an adequate standard of living and health care, to be visited by their families and to be represented by a lawyer.

## The right to be charged within a reasonable time

Article 64 of the CRM requires that a person has the right to be brought before the investigative judge and to be charged or to be informed of the reason for the detention not later than 48 hours after the arrest. The term can be extended to a maximum of five days in case of *flagrante delicto*, failing which, the person must be released.

The following table shows the length of time detainees were held before being charged.

**Table 4:** Length of detention before charge

	Not charged after one year detained	20 days from arrest	Between 8 and 15 days from arrest	Between 48 hours and 5 days	Do not remember
No of detainees	1	1	5	8	5

## Pre-trial custody time limits

Although Article 308 of the Criminal Procedure Code (Código de Processo Penal, CPP) states specific limits for the duration of the pre-trial detention, the research found that this has yet to be implemented. All interviewees had been detained for longer than allowed by law. Six detainees had been in prison for more than one year and one had been detained for around three years.

## The right to be informed

Article 10 of the ICCPR and Rule 35 of the SMR state that detainees must be treated with dignity and informed about their rights and the rules of the prison. This information needs to be given in writing and/or orally upon admission.

The respondents said that if this information is given at all, it is provided verbally in both prisons. Six respondents at the Civil Prison said that a prison official clarified the rules and the rights of the institution, while three said that no one had given them this information.

In the Central Prison seven detainees confirmed that they were informed about the rules and their rights upon their admission to the institution; two of them did not remember and only one said that he had not received any information.

Respondents said that information focused on the rules and the prison disciplinary requirements, rather than on their rights.

## Vulnerable groups

Particular attention was paid to the conditions of detention of particular vulnerable groups such as women, children, foreigners and detainees affected by tuberculosis and/or HIV/AIDS. International standards provide rules for special categories of people.<sup>37</sup>

The only female respondents were at the Civil Prison. They were separated from males at all times and supervised only by female officers. The interviews revealed that their access to adequate food was worse than that of male prisoners. A pregnant woman was living among as the other female prisoners, though she had been given a mosquito net, which nobody else had. Respondents reported that another prisoner had her child with her but she was given no extra food.

Juveniles were detained with adult prisoners in the Central Prison, while they were detained in separate cells in the Civil Prison.

Although juveniles were present in both establishments, the directors said that prisons could no longer accept persons younger than 16. Since June 2011 juveniles between the ages of 16 and 21 years old have been detained in the rehabilitation centre of Boane, forty kilometres from Maputo.<sup>38</sup> The centre is the first juvenile establishment in Mozambique and holds 200 people.<sup>39</sup>

The situation of the three foreign prisoners interviewed was an area of concern. A lack of documents of identification and language barriers make access to justice very difficult. Embassies and/or consulates do not recognise people who cannot prove their citizenship. The absence of diplomatic representatives in Mozambique and the lack of transfer agreements with other countries make the situation even worse.<sup>40</sup> One foreign respondent said:

I became invisible in this world. No one at home knows where I am and here there is no embassy to represent me. I am allergic to the food they give me but I need to eat to stay alive. No lawyer came to see me and I do not know what to do.<sup>41</sup>

The only apparent measure to protect vulnerable persons is separation. In both the Central and Civil Prisons certain sections are reserved for people affected by tuberculosis. The prison policy provides for the separation of different categories of prisoners: female, juveniles, elderly and sick people. While particular measures, such as permanent medical assistance, are required for pregnant women and prisoners affected by HIV/AIDS, there are no norms to assist foreign prisoners. The research found that while the female detainees are always separated from male detainees, juveniles are still imprisoned with adults. In addition, no particular measures are in place to protect vulnerable groups while in pre-trial detention.

## The right to adequate standards of living

Article 14 of the ICCPR, Article 11 of the ICESCR and Rules 9-16, 21 and 41 of the SMR place an obligation on states to ensure that people in custody are treated with humanity and fairness.

Both prisons are characterised by old and degrading infrastructure. 'As paredes estão cansadas' [The walls are tired],<sup>42</sup> said one of the detainees interviewed in the Civil Prison. Although roofs were not leaking, walls are cracked.

In the Civil Prison five of the detainees said that they were sleeping on blankets and mats, while two people were using thin mattresses provided by the prison administration. One person was sleeping on magazines and three were using personal mattresses provided by their families. Most of the detainees possessed only a plastic bag in which they kept their clothes or personal items.

In the Central Prison most of the detainees slept on blankets and mats found in the prisons. Only three detainees slept on new bunk beds, which had been provided by the prison together with mattresses, pillows and bed sheets the previous year. There were not enough beds for all the prisoners and many detainees slept on the floor between or under the beds, and in the corridors between the bunk beds.

## Daily time outside the cells

Rule 21 of the SMR requires a minimum of one hour of outside exercise per day per prisoner. In the Civil Prison prisoners were allowed to watch a television located in the yard of the prison from after lunch until 17h00. On the day of the visit they were allowed more time outside the cells. Fridays were dedicated to football.

In the Central Prison, overcrowding created the necessity to open the cells from 07h00 to 17h00. While this allowed prisoners to spend more than an hour per day outside the cells, and alleviated the poor living conditions of the institutions, overcrowding remained a challenge.

## Access to adequate food

Article 11 of the ICESCR, Rules 20 and 87 of the SMR and Article 37 of the UN Rules for the Protection of Juveniles Deprived of their Liberty (JDLR) all codify the right to adequate nutrition and water for people in custody.

Three meals per day are served in the Civil Prison, but in the Central Prison detainees receive only breakfast in the morning and a 'reinforced lunch'<sup>43</sup> (almoço reforçado) at 13h00. Some of the prisoners eat half of the lunch portion immediately

and half later, for dinner. One detainee said, 'Para não ficar podre eu como agora. Quando deixar vai ficar podre.' [To not eat when the food is already rotten, I eat it now. If I leave for later it will go rotten].<sup>44</sup>

Food is not distributed at regular times and the actual diet consists of a combination of porridge for breakfast, and rice, maize, beans or peanut sauce for lunch or dinner. Female detainees in the Civil Prison said that they had sugar and hot water for breakfast.

## Access to drinking water and sanitation

In the female section of the Civil Prison there was one toilet, a sink and a shower; although one of the women interviewed said that there was a toilet in her cell. Each section in the male area had four toilets, three taps and one shower. Two detainees said that in the bathrooms water ran only in the early morning between 07h00 and 09h00, and in the afternoon between 17h00 and 18h00. Buckets, 200 litre tanks and bottles were filled to have access to water during the nights. One female detainee said that they used plastic bags to relieve themselves in the night.

The access to sanitation appeared to be worse in the Central Prison than in the Civil Prison. Some detainees said that there was only one toilet, shared by between fifty and eighty prisoners. Access to drinking water in the Central Prison improved due to the opening of two wells. However, while detainees had access to water during the day, they filled buckets, bottles and 200 litre tanks for the night.

## Access to health care

Rule 22 of the SMR sets medical standards for prisons. One respondent said that medical services are 'a parte mais chata aqui dentro' [the most difficult thing in the prison].<sup>45</sup> In both institutions, a health ward opened from Monday to Friday, from 09h00 until 15h00. The service worked as a pharmacy rather than a health care centre. One of the Civil Prison detainees said:

The doctor gives only Paracetamol for all the diseases you have. If you get sick after three o'clock in the afternoon you need to wait until the next morning and nothing is going to change because the only thing he is going to give is Paracetamol. A prisoner needs to pray God to not get sick from Friday until Monday.<sup>46</sup> [translated from the Portuguese]

In the Central Prison detainees were sometimes tested for malaria and HIV/AIDS. Transportation to the civil hospital of Maputo was rare and only happened when the detainee was grievously unwell, as the transfer of sick detainees is seen to increase the possibility of escape.

Although access to health care in prison was restricted, this needs to be seen in context since 40% of the Mozambican population has no access to medical services. There are only three doctors and 21 nurses for every 100 000 people in Mozambique. There are approximately 600 doctors in the country.<sup>47</sup>

## Contact with the outside world

The SMR<sup>48</sup> states that a detainee shall have the right to be visited by members of family, friends, and legal representatives, and have an opportunity to communicate with the outside world.

Prisoners at the Central Prison could receive visits for a total of seven days in a period of two weeks. In the Civil Prison female prisoners received visits on Fridays, whilst males received visits the other days of the week. The visit timetable was flexible: from 12h00 to 17h00 in the Central Prison, and from 09h00 to 12h00 and from 13h00 to 15h00 in the Civil Prison. Visiting times did not appear to be limited, especially in the Civil Prison, due to the low number of detainees. Both prisons had a common area dedicated to visits, where officials supervised the progress of the visit.

Detainees were allowed to see their legal representative daily until 15h00 in a reserved room of the administration area. It appeared that

there was no time limit imposed and conversations with legal representatives were not made in the presence of officials.

Interviews with detainees indicated that they could use radios in their cells and that television was allowed a few hours per day. Newspapers and magazines were brought into the prisons by churches and relatives.

## Access to legal representation

Article 62 of the 2004 Constitution of Mozambique guarantees legal assistance to accused persons. However, ten of the respondents said that they had not received any legal counsel since their arrest; six persons said that they had paid personal lawyers, and four had recently received assistance from lawyers of the Institute for Legal Assistance (Instituto de Patrocínio e Assistência Jurídica, IPAJ).<sup>49</sup>

Detainees showed a particular preoccupation with their right to access legal representation; most of them could not afford to pay a lawyer and IPAJ was criticised. The detainees who paid personal lawyers said that their professional service was inadequate, and they were left without assistance and having to pay a new lawyer.

Considering the role of IPAJ, a detainee said:

Here there is only a lot of talking because the chance of a lawyer appearing and helping people is very low. Sometimes they pass by but not with the interest to work. If they would really work, they would be here every week. Legal assistance works like this: you need to know someone.<sup>50</sup>  
[translated from the Portuguese]

While the work of the IPAJ has increased over the last years, the institute alone cannot cover the enormous need of citizens to access justice. Table 5<sup>51</sup> shows the number of cases assisted by the IPAJ across the country in 2007 and in 2011.

Inadequate access to justice should also be seen in the national context. In 2005 there were 509 lawyers in Mozambique, five for every 100 000

**Table 5:** Cases assisted by IPAJ

	Cases assisted by IPAJ	No of lawyers	No of para-legals
<b>2007</b>	7 320	17	71
<b>2011</b>	53184	38	85

people.<sup>52</sup> Ninety percent of these lawyers were located in Maputo and in other big cities.

## CONCLUSION

This article has shared the findings of research conducted into the conditions of pre-trial detention in the Mozambique capital city.

The first part of the article covered the legislative reforms that took place in the Mozambican penal system since 2000, and how the old militaristic and secretive world of prisons has been opened up to the public and academic research. However, the reforms have not impacted much on conditions experienced by pre-trial detainees.

- The right to be charged within a reasonable time is not always respected: pre-trial custody time limits for all respondents had expired and all the detainees interviewed had been in detention beyond the legal term.
- While the right for a detainee to be informed about his/her rights upon admission was partially provided for, information was limited to the responsibilities of the detainees within the prison walls.
- The lack of attention received by vulnerable groups was of concern. While female detainees were separated from males, some juveniles were imprisoned with adults. It is hoped that the creation of a new juvenile centre close to Maputo would improve this situation. Foreign detainees face the greatest challenges.
- The right to adequate standards of living is compromised by the old infrastructures of both prisons and by the overcrowding in the Central Prison.
- Access to adequate food, drinking water and sanitation remains a big challenge in both prisons.



- Contact with the outside world and daily time spent outside the cells ameliorated the negative consequences of the overcrowding.
- Access to health and justice were the most problematic issues in both prisons.
- The right to legal representation was severely compromised. Pre-trial detainees found themselves in a malfunctioning criminal justice system, waiting months and years before seeing a lawyer or a judge.

At the time of writing, the finalisation of the new law was pending. Once passed, reform will focus on creating an ambitious new criminal justice system. It is hoped that this reform will start to *touch the ground* and result in a real improvement for detainees.



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## NOTES

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2. The study was undertaken in collaboration with Tilburg University in the Netherlands. See AM Van Kalmthout, MM Knapen, C Morgenstein *et al*, *Pre-trial detention in the European Union: an analysis of minimum standards in pre-trial detention and the grounds for regular review in the member states of the EU*, Tilburg: Wolf Legal Publishers, 2009.
3. Promotion of pre-trial justice in Africa, <http://www.ppja.org/> (accessed 12 January 2012).
4. Open Society Initiative for Southern Africa, Pre-trial detention in Malawi: understanding case flow management and conditions of incarceration, *Open Learning*, 2011; OSISA, Pre-trial detention in Zambia: understanding case flow management and conditions of incarceration, *Open Learning*, 2011, 2.
5. The Working Group on Arbitrary Detention, established in 1991, is a UN body of independent human rights experts that investigates cases of arbitrary arrest and detention that may be in violation of International Human Rights Law.
6. The Special Rapporteur on Prisons and Conditions of Detention in Africa, established by the African Commission on Human and Peoples' Rights in 1996, is an innovative procedure aimed at addressing the dire position of detainees in Africa. Its greatest achievement so far has been the impact through visits to places of detention in eleven African Union member states.
7. Why we need a global campaign for pretrial justice, [http://www.coe.int/t/dghl/cooperation/cepej/events/OnEnParle/Why\\_need\\_global\\_camp\\_pretrial\\_justice\\_sept\\_09.pdf](http://www.coe.int/t/dghl/cooperation/cepej/events/OnEnParle/Why_need_global_camp_pretrial_justice_sept_09.pdf) (accessed 12 November 2011).
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13. AfriMap, *Mozambique: justice sector and the rule of law, a review*, Johannesburg: Open Society Foundation for Southern Africa, 2006.
14. This article is based on research conducted for an LLM in Criminal Justice at the University of Cape Town, 'From the rule of law towards human rights-based approaches to criminal justice reform in Mozambique. The case of pre-trial detention.' The research was supervised by Professor Elrena van der Spuy and it is available on-line at [www.ppja.org](http://www.ppja.org).
15. The police of the Republic of Mozambique are divided into three main branches: the main police force which is responsible for public order and security; the Criminal Investigative Police (Policia de Investigação Criminal, PIC) and the Special Forces (Forças Especiais) that are sub-divided into a number of specialised units.
16. Available at [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=35](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=35), (Accessed on 20 September 2011).
17. Labour camps were created during the colonial era to reduce the prison population housed in the other centres of detention. They differed from the other establishments because prisoners could grow fruit, vegetables and livestock: N José *et al*, Os Centros Prisionais Abertos em Moçambique [Labour farms in Mozambique], Maputo: Projecto de Apoio ao Sector da Justiça – PNUD, 2001.
18. Adozinsa Eurides Sengulane, *Prison institution – influence of daily practices towards prisoners rehabilitation: case study of the Central Prison of Maputo* [Instituição Prisional – Influência das Práticas Quotidianas na Reabilitação dos Reclusos – O caso da Cadeia Central do Maputo], Universidade Eduardo Mondlane, 2003. See also Janete Assulai & Benigna Matabele, *The situation of human rights in the Mozambican prisons: a look at gender issues* [A Situação dos Direitos Humanos nas Cadeias em Moçambique].

Um Olhar para questões de Género], Centro de Estudos Moçambicanos e Internacionais [Centre of Mozambican and International Studies], 2012.

19. National media often report information about other prisons in the country.
20. Data available at [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=35](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=35) (Accessed on 20 September 2012).
21. Ibid.
22. This law dates back to the Portuguese colonial era. Different establishments were built for Mozambicans during the colonial time. However, in practice these centres were never used and the local population continued to be sent to the cotton and sisal plantations or deported to the cocoa plantations of Sao Tome and Principe, until 1950.
23. National report for Universal periodic review at the Human Rights Council, A/HRC/WG.6/10/MOZ/1. The country is a party to the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), the Convention on the Rights of the Child (CRC) and its two Optional Protocols, among others.
24. AfriMap, Mozambique: Justice Sector and the Rule of Law: A Review. Furthermore, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the ICCPR-OP1 and the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) have yet to be ratified.
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27. Resolution n.65 of 27 August 2002.
28. AfriMap, Mozambique: Justice Sector and the Rule of Law: A Review.
29. Data available at <http://iphone.verdade.co.mz/tema-de-fundo/35-themadefundo/28497-um-outro-conceito-de-decadeia> and <http://macua.blogs.com/files/democracia-agosto2010.pdf> (Accessed on 1 August 2012).
30. Information available at <http://www.undp.org/mz/en/What-we-do/Democratic-Governance/Ongoing-Projects/Strengthening-National-Capacity-and-Support-to-Legal-Reform-in-the-Prison-Sector> (Accessed on 15 January 2012).
31. Data available at <http://www.poptel.org.uk/mozambique-news/newsletter/aim426.html> (Accessed on 15 January 2012).
32. Data available at <http://www.opais.co.mz/index.php/sociedade/45-sociedade/14835-cadeia-civil-de-maputo-podera-ser-transferida-por-estar-localizada-no-centro-da-cidade.html> (Accessed on 1 December 2011).
33. Article 308 of the Criminal Procedure Code (CPP) establishes different terms beyond which a detainee must be released. An arrestee can be detained for 20 days upon the commission of a criminal offense punishable with one year imprisonment; 40 days of detention is provided for crimes punishable with imprisonment for longer than one year; and 90 days of detention for crimes whose preliminary investigation (fase de instrução) is the competence of the Criminal Investigation Police (Policia de Investigação Criminal, PIC ) or the Director of the Prosecutor Office (Procurador Geral da República).
34. For an analysis of the international standards that relate to detentions, corrections and prisons see <http://inprol.org/files/CR10002.pdf> (Accessed on 9 November 2012).
35. Article 14 of the ICCPR.
36. Article 5 of the UDHR and the African Charter on Human and People's Rights.
37. The Convention on the Rights of the Child (CRC) and the UN Rules for the Protection of Juveniles Deprived of their Liberty contain specific norms on the respect of children and juveniles detained. The UNSMR provide specific rules for imprisoned women, sick and insane and mentally abnormal prisoners.
38. Law 8/2008 of 15 July gives the Ministry of Justice the responsibility to create adequate conditions for juveniles in conflict with the law.
39. See information available at [http://www.diarimoz.com/index.php?option=com\\_content&view=article&id=9853:pais-conta-com-prisao-de-recuperacao-juvenil&catid=34:sociedade&Itemid=53](http://www.diarimoz.com/index.php?option=com_content&view=article&id=9853:pais-conta-com-prisao-de-recuperacao-juvenil&catid=34:sociedade&Itemid=53) (Accessed on 1 December 2011).
40. There are only two transfer agreements that Mozambique signed with Malawi and the Community of Portuguese Language Countries (Comunidade dos Países de Língua Portuguesa, CPLP).
41. Quote from the interview with a detainee, November 2011.
42. Quote from the interview with a detainee conducted in the Central Prison, November 2011.
43. Interviews with the officials showed that the reinforced lunch is made of 500g of meal instead of the normal 250g.
44. From the interview with a detainee of the Central Prison, November 2011.
45. From an interview with a detainee, November 2011.
46. From an interview with a detainee, November 2011.
47. Data available at [http://transition.usaid.gov/mz/health\\_po.htm](http://transition.usaid.gov/mz/health_po.htm) (Accessed on 11 November 2012).
48. Rule 37 and 38, 90, 92 and 93 of the SMR.
49. The IPAJ is a governmental institution that was created by Law 6/1994, under the supervision of the Ministry of Justice, to provide legal and judicial assistance to Mozambican citizens.
50. Interview with a detainee conducted in November 2011.
51. Data collected with the interview of the Director of IPAJ, November 2011.
52. AfriMap, *Mozambique: justice sector and the rule of law, A Review*.