

MOZAMBIQUE News reports & clippings

246 20 March 2013 Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

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Fighting continues while government accepts Renamo demand for international observers

International observers can be allowed in the Renamo-government negotiations and presumably in any subsequent demobilisation, the government conceded at the 44th round of talks on Monday 17 March. A joint commission of military people is meeting this week and will report to the next full round of talks tomorrow (21 March) with a proposal.

Government is insisting that Renamo hand over a complete list of its men and their equipment, and Renamo distrusts the government too much to do this without some sort of international monitoring.

Renamo accused the Mozambican military of attacking Renamo bases in Cheringoma and Gorongosa, both in Sofala. In a press conference Monday (17 March) Renamo spokesman António Muchanga accused the government of breaking an informal cease fire, and said Renamo president Afonso Dhlakama had ordered Renamo guerrillas to take no offensive actions. (O Pais, 18 March) But the government chief negotiator, Agriculture Minister José Pacheco, told journalists Monday that it was Renamo which attacked government soldiers transporting supplies in Inhaminga, Sofala, on Sunday 16 March.

Protests over 19th century clauses in draft penal code

13 civil society organisations are staging a march today to raise issues in the draft of the new penal code now before parliament. In a press conference Tuesday, Terezinha da Silva, coordinator of the Mozambican chapter of WLSA (Women and Law in Southern Africa), said that the offending articles in the penal code, if approved by the Assembly, would constitute "flagrant violations of the rights of women, children and other groups".

Mozambique is only now revising the Portuguese Penal Code of 1886, which has remained in force since Mozambican independence in 1975. By contrast, Portuguese legislators, after the fall of fascism in Lisbon, removed many inappropriate articles from the Portuguese code, but they remained in the Mozambican one, even though they were never enforced.

Parliament's Constitutional and Legal Affairs Commission is finally working through a draft of a new penal code. But many of the 1886 articles have been retained, and the civil society organisations are bringing public pressure on the Commission to have them amended or removed. One which has been subject of an international campaign by Amnesty International is an article from the old code which is retained in the present draft which states that cases of rape or other sexual offences will be dropped if the rapist marries his victim, and stays married to them for at least five years.

Under the draft code, rape in marriage would not be an offense, but adultery would be. The new draft retains the 19th century ban on duelling. It also continues to prohibit "vices against nature" ("vicios contra a natureza") which is never defined in the code. This section of the old code has not been used since independence, and could be seen as against homosexuality, but the lack of a definition means a court would probably not accept that interpretation.

da Silva points out that with respect to age, the draft code violates the constitution. For example, everyone under 18 is considered a child according to the constitution, but the draft code considers everyone over 12 as an adult. Similarly, the constitution sets 16 as the age of criminal responsibility, but the draft code sets that age as 10.

More details (mainly in Portuguese) on the Wilsa website: <http://www.wlsa.org.mz> and http://www.wlsa.org.mz/lib/pdf/CP_NotaParlamento2014.pdf

New appointments

A series of appointments has been made reflecting changes in Frelimo and agreement with Renamo on the National Elections Commission:

Agostinho Mondlane is named Defence Minister following the nomination of the previous minister, Filipe Nyusi, as the Frelimo presidential candidate. Mondlane had been Deputy Defence Minister.

Abdul Razak Noormahomed is the new governor of Cabo Delgado, replacing Eliseu Machava, who is the party's new general secretary. Noormahomed was Deputy Minerals Minister, and before that governor of Nampula and Deputy Health Minister.

The four new Renamo members of the National Elections Commission (CNE) have taken up their posts. They are:

Fernando Mazanga who was national spokesperson of Renamo,

Latinho Ligonha, a member of the CNE in 2009,

Celestino Xavier who had been chair of the municipal assembly in Nacala from 2003 to 2008, and

Meque Bras Dacambane, a member of the Renamo team in the dialogue with the government.

Paulo Cuinica is the new CNE spokesperson. He has been a civil society nominee to the CNE since 2007. He replaces Joao Beirao, who was a judge appointed to the CNE by the Higher Magistrates Council, a post which is removed by the recently changed legislation.

Mozambicans get mineral licences just to sell on to foreign companies

Esperança Bias, Minister of Mineral Resources, in a recent speech, criticised Mozambican business people who demand that mineral concessions be given preferentially to Mozambican companies, which then simply sell the concessions to foreign companies, according to O Pais (19 March) She pointed particularly to this happening with coal, where there had been a special bidding process for Mozambican companies.

44 kidnappings in 2013

There were 44 kidnappings in 2013 - 31 in Maputo, 9 in Matola, 3 in Beira and 1 in Nampula - Justice Minister Benvinda Levi said on 19 March, according to *O País*. She added that 20 prosecutions of alleged kidnapers have begun, and some have already been sentenced to long prison terms.

Cardoso killer murdered

Vicente Ramaya was gunned down in Maputo on 21 February. He was one of the businessmen who ordered the assassination in November 2000 of Mozambique's best investigative journalist, Carlos Cardoso. Ramaya, who has been on parole since January 2013, after serving half of his sentence for the Cardoso murder, was shot in his car just around the corner from where Cardoso had been shot and killed in his car

Ramaya was the brains behind the largest banking fraud in Mozambican history. Fraudulent accounts were opened in his branch of the Mozambican Commercial Bank (BCM) in the Maputo suburb of Sommerschield, in the names of members and friends of the Abdul Satar family, \$14 million was syphoned out of the BCM on the eve of its privatization.

Carlos Cardoso founded the independent newsletter *Metical* and pursued the case tenaciously. In its verdict, in January 2003, the Maputo City Court decided that the BCM investigation was the motive for the assassination, and that Ramaya and two of his associates, Momad Assife Abdul Satar ("Nini") and Ayob Abdul Satar, had given the order to kill Cardoso.

Ramaya was sentenced to a prison term of 23 years and six months. He and the other assassins were also ordered to pay compensation of 14 billion meticaís (\$588,000 at the exchange rate of the time) to Cardoso's two children, Ibo and Milena, and 500 million meticaís to Cardoso's driver, Carlos Manjate, who was seriously injured in the attack.

In a 2004 trial, Ramaya was also found guilty of the BCM fraud, and was sentenced to another 12 years imprisonment and ordered to repay the stolen money.

In January 2013, Ramaya was released on parole on grounds of his "good behaviour" while in prison, even though he had not paid any of the compensation ordered by the court. (Aim, 21 Feb)

"7 million" not being repaid in Niassa

In Niassa, people who borrow money from the District Development Fund (FDD) are not repaying their loans, Governor David Marizane admitted. Between 2006 and 2013, the FDD lent 922 million meticaís (\$30 million), but only 48 million meticaís has been repaid, about 5%.

The FDD is usually called the "7 million", because when it was set up in 2006 it initially consisted of an allocation of 7 million meticaís from the state budget to each of the country's 128 districts. The money was to be lent to people with viable projects that would boost food production or create jobs, but who were unable to obtain credit from the commercial banks. It was to be a revolving fund, and when the money was repaid, it would be lent out again to other beneficiaries. But this has not happened and the FDD has been replenished with fresh funds from the state budget every year.

Meanwhile, in an Open Presidency visit to Muembe, Niassa, several angry local people told President Armando Guebuza that bribes had to be paid to members of the local consultative committee in order to obtain money from the "7 million". (*O País*, 19 March)

Vincente Ululu, Secretary General of Renamo from 1982 to 1995 and one of the negotiators of

the Rome Peace Accord in 1992, died of a heart attack on 14 March. He had been a Renamo member of all multi-party parliaments, from 1994.

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The new book

Zimbabwe takes back its land

by Joseph Hanlon, Jeanette Manjengwa & Teresa Smart is now available from the publishers

https://www.rienner.com/title/Zimbabwe_Takes_Back_Its_Land

<http://www.jacana.co.za/book-categories/current-affairs-a-history/zimbabwe-takes-back-its-land-detail>

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by Joseph Hanlon & Teresa Smart

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and on Amazon.co.uk for £17.09

Just Give Money to the Poor: The Development Revolution from the Global South

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Most of this book can now be **read on the web**

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Mozambique media websites:

Noticias: www.jornalnoticias.co.mz

O Pais: www.opais.co.mz

Macauhub English: www.macauhub.com.mo/en/

Savana: www.savana.co.mz

Canal de Moçambique: www.canalmoz.co.mz

AIM Reports: www.poptel.org.uk/mozambique-news

Carlos Serra Diário de um sociologo: <http://oficinadesociologia.blogspot.com>

Good daily newsletters:

English: Mozambique Investor. Send e-mail to joaquim.fale@clubofmozambique.com

Portuguese: Mozambique Hoje. Send e-mail to moçambiquehoje@clubofmozambique.com

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