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## CHAPTER 3

# MOZAMBIQUE

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### Introduction

It would be an understatement to describe the past three decades in Mozambique as a period of transition. This would not capture the magnitude of the fundamental and tumultuous political, social and economic changes the country has experienced. Since the early 1970s, Mozambique has veered from one extreme to the other. Portuguese colonial rule ceased in 1975, ending a system of subjugation and colonial-capitalism. The new head of state, Samora Machel, immediately set about fundamentally transforming his country into a one-party socialist system with a centrally planned economy. The state sought to perform all the roles in the economy, from traditional social services to the production and distribution of goods and services. This was the revolutionary phase, during which the state strove towards egalitarianism.

The result was a serious collapse of the economy and deepening internal political divisions that developed into a civil war between the Renamo rebels, as they were then, and the Frelimo government. This debilitating conflict, which was to last for more than ten years, resulted in a devastated countryside, the destruction of infrastructure, and the displacement of millions of rural people. In 1987 Mozambique embarked on a new course aimed at transforming the planned economy into a market economy and at moving away from one-party rule to a multi-party democracy. But the ongoing civil war prevented progress towards these objectives; as a result, social dislocation and the destruction of infrastructure continued. Only after the end of the civil war in 1992, and more specifically after the first democratic elections in 1994, was stability restored in Mozambique. However, the protracted civil war and the failed socialist experiment had resulted in extreme poverty and a damaged economy. According to World Bank figures, Mozambique was the poorest country in the world during the mid-1990s in terms of gross domestic product (GDP) per head.<sup>1</sup>

After 1994 the country went through a remarkable recovery phase. As stability began to be restored and the country moved towards a market economy, investment returned and Mozambique became one of the fastest growing economies

in the world, though from a low base. Today the economic outlook is still favourable and the country's real GDP growth is expected to remain high, averaging 9% per year during the period 2001–2003.<sup>2</sup>

However, Mozambique is still one of the world's poorest countries. The government still lacks the capacity to provide the most basic services to the majority of the population (which totals about 19,104,696), two-thirds of whom live in absolute poverty. During 2000, 70% of the total adult population and 76% of all women could neither read nor write, and the average life expectancy was only 46 years. According to the 2001 Human Development Index of the United Nations Development Programme (UNDP), which measures countries' achievements in terms of life expectancy, educational attainment and adjusted real income, Mozambique is placed in the category of "low human development". It is therefore regarded as constituting part of the group of "least developed countries", which, in the Southern African Development Community (SADC) region, include Tanzania, the Democratic Republic of Congo, Zambia, Angola and Malawi. These all form part of the 20 least-developed and poorest countries of the 162 that are listed in the UNDP index.<sup>3</sup>

Mozambique has a coastline that stretches 2 470 kilometres along the Indian Ocean, and land boundaries of 4 571 kilometers. From a security perspective such extensive borders are difficult to control, even for the most developed and well-resourced countries.

While it is clear that Samora Machel's socialist experiment was a failure, his rule was characterised by a determination to weed out self-enrichment and corruption. He defended the interests of the poor and was the critical conscience of the state. He is remembered for the conviction with which he delivered statements such as:

Material, moral and ideological corruption, bribery, the search for self comfort, nepotism, that is, favours on the ground of particular friendship or preferences in job allocation, favouring family members, friends or people from his own place are part of the system of life that we want to destroy...Everyone who diverts from our political line will have no tolerance from us. We will be intransigent...We will not hesitate to expose them to people harmed by their behaviour.<sup>4</sup>

When Machel died in 1986, this element of principled leadership disappeared. According to the late Carlos Cardoso, the former editor of *Metical*, the army

became corrupt, crime increased, and leading figures in the governing Frelimo party were linked to corruption and drug traffickers to an ever greater extent.<sup>5</sup> The degree of 'pragmatism' that was required by party functionaries to make the radical shift from a centrally planned towards a liberal market economy resulted in many also becoming more 'pragmatic' about transparency, accountability and ethical standards. This ability to adapt led to a form of 'radical pragmatism' within the ruling elite. "Mozambique has a 'rule of arrangements' and not a rule of law system", Cardoso claimed.

In different parts of the world, periods of transition from one-party socialist rule towards a multi-party democracy and a market economy have tended to provide an environment that is conducive to the expansion of organised crime. The same occurred in Mozambique. The social control mechanisms introduced under socialist rule, which included measures that encouraged people's participation in the decision-making process and held government officials accountable for their actions, collapsed and were replaced by weak state structures that could provide only symbolic safety and security to a population that was left to fend for itself.

Today Mozambique's criminal justice system continues to be very fragile and under-resourced. There is a lack of political will to fight organised crime and corruption, and a general perception that some of the political elite are either involved in or are connected with organised crime. The police do not have the human or material capacity to control the coastline or land borders. Organised criminal groups have exploited this environment and have made the country a haven for international drug smuggling, in particular.

## **Organised crime in Mozambique**

This paper focuses on some of the more prominent organised criminal activities that constitute a threat to Mozambique and does not attempt to cover all forms of organised crime. The more threatening criminal groups appear to be those involved in transnational organised crime. These are groups and networks whose members and criminal activities are not confined to Mozambique, but also extend to other countries including Portugal, Brazil, Pakistan, the United Arab Emirates, Dubai and South Africa. Among the more prominent of these groups are those that are linked to drug trafficking, money laundering, trafficking in human organs, stolen motor vehicles, illegal firearms, and the obstruction of justice.

## ***Drug trafficking***

The trafficking of drugs became important in Mozambique during the 1990s when the big international drug dealers started to look for alternative routes that were not controlled by the international agencies. During the extended civil war it was not possible to use Mozambique as a transit route for drugs, but when the war ended in 1992 the country became attractive as a secure transshipment area for drug smugglers. Communications were re-established, state structures were weak, and the government encouraged international investment. In addition, Mozambique had a long coastline with many islands. The low salaries of state employees made it easy to corrupt elements within the police and other branches of the civil service.

The volume of illicit drugs consumed within Mozambique remains a minuscule portion of the volume that is transported through the country. However, local drug consumption, particularly in the capital Maputo, is becoming a growing social and security problem. A speech by the Minister of the Interior to Parliament during April 2001 underlined this: the Minister reported that the police had struck at parts of the city so notorious for the sale of illicit drugs that they are popularly known as 'Columbias'. One such 'Columbia' was in the military neighbourhood where demobilised soldiers were involved in the drugs trade. The Minister mentioned that the police had arrested 168 drug dealers and users, and seized 99 packages of hashish, 320 grams of cocaine, and 30 doses of heroin.<sup>6</sup>

According to sources interviewed in Mozambique, there appear to be at least two large transnational drug networks operating in the country.<sup>7</sup> One, involving individuals from Colombia, Chile, Spain and other parts of Europe, focuses on trafficking in cocaine and uses Mozambique as a transit area. The second group, which has been active in Mozambique since about 1992, consists largely of Pakistanis and Mozambican citizens belonging to the local Pakistani community. They concentrate mainly on hashish and mandrax.

It is difficult to establish whether the illegal trade in drugs in Mozambique is expanding. Police statistics are not of much assistance in this regard: they suggest that the situation is under control because there have not been significantly more prosecutions for drug trafficking. They do emphasise, however, that there has been an increase in the trafficking of *Cannabis sativa*. Two recent official reports also do not throw much light on the subject. One, a Cabinet report dated April 2000, does not say much about the trafficking of drugs such as cocaine or hashish but focuses on issues relating to drug consumption. The second report, dealing with crime in the country during the past five years and

produced by the General Command of Police of Mozambique, contains very little information about drug trafficking.<sup>8</sup>

### *Cocaine*

The cocaine traffickers appear to have been singularly successful. It is estimated that during 2001 more than one tonne of cocaine and heroin passed through Mozambique.<sup>9</sup> This illicit trade is not targeted at the Mozambique market but is mainly aimed at re-routing the cocaine to markets in developed countries. While some consumption does take place in Mozambique, the country is too poor to provide a profitable consumer market for cocaine. However, Mozambique does offer a relatively low-risk transit area for the onward distribution of the cocaine to other parts of the world. The annual retail value of cocaine routed through Mozambique is about US\$50 million. Some of the profits arising from this transaction, an estimated US\$2.5 million annually, remain in Mozambique.<sup>10</sup>

The cocaine originates in Colombia and is transported via Brazil to Mozambique, mainly by aircraft. Airport and harbour controls are weak. Some of the cocaine is then transported on smaller executive jet planes via other African countries such as Nigeria. Sometimes diplomats in official cars meet the arriving executive jets. Senior politicians and officials from the Ministry of Foreign Affairs are allegedly also involved. A reliable source interviewed in Mozambique referred to a court case in which the evidence showed that an embassy post box was used as the receiving address for the cocaine. In this particular case, half a kilogram of cocaine was involved.<sup>11</sup>

Most of the onward trafficking of cocaine from Mozambique appears to be run by Nigerian criminal networks. They allegedly have their own planes and are connected with senior people in the Mozambican political establishment.<sup>12</sup> Reference was made to a very wealthy Nigerian who resides in New York but is involved in cocaine trafficking in Mozambique. From Mozambique the cocaine is shipped on, mainly to Europe and East Asia and to a lesser extent South Africa, whose expanding market for cocaine has encouraged some of the international cocaine smugglers to establish operations there.

### *Heroin*

Heroin is transported from Pakistan to Dubai, then to Tanzania, and from there to Mozambique, from where it is trans-shipped, mainly to Europe. More particulars could not be obtained.

*Hashish (Cannabis resin)*

A well-organised criminal group, consisting mainly of Pakistanis and Mozambican citizens belonging to the local Pakistani community, dominates the hashish smuggling market in Mozambique. They operate sophisticated criminal enterprises involving importers and exporters, transporters of the drugs, field operators, and those who supply them with information. Details are not available about the size of these criminal groups or their structures. The use of violence is not common. It appears to occur not against the authorities but mainly within the criminal groups when law enforcement authorities have intercepted a consignment of drugs. Such interventions by the police seem to lead to suspicion within the groups that an insider has supplied the police with information or is dissatisfied with his share of the profits. Violence is therefore used as a form of revenge.

These groups have been active since the early 1990s and have been expanding their operations since then. Most of the hashish is re-routed and only a very small proportion remains behind for consumption in Mozambique or elsewhere in southern Africa. Although still minimal compared to the volumes that are trans-shipped, consumption in the region, particularly in South Africa, has gradually increased, resulting in some members of Mozambican criminal groups becoming increasingly involved in trafficking hashish in the southern African region.

The most dramatic example of the extent of hashish trafficking was the 1995 seizure of 40 tonnes in northern Mozambique.<sup>13</sup> The hashish was offloaded from a ship with an Asian flag at a beach in the Macomia district in Cabo Delgado. The coastal Swahili towns in this northern part of Mozambique have been linked to drug traffic in the Indian Ocean area for centuries—even before Portuguese colonialism. The consignment allegedly belonged to a known trader who is thought to be in Portugal. A transporter from Nampula, whose identity is known, took the hashish from Cabo Delgado to Nampula, where it was put into storage in buildings that are said to belong to a local Nampula business enterprise. At this location the hashish was packed into boxes normally used for exporting cashew nuts. The person allegedly associated with the exporting of hashish, one Rassul, runs a company in Nampula called Moti Commercial, which is still in operation. Rassul was arrested and imprisoned on drug trafficking charges but was released during 1996 without standing trial. At the time there was speculation that he was being protected by Marcelino dos Santos, formerly a key figure in the ruling Frelimo party.<sup>14</sup>

According to well-informed sources, the *modus operandi* followed in the case mentioned above is typical of what happens in other hashish smuggling operations. The traffickers use the northern port of Nacala and the hashish is generally not offloaded in the harbour itself. The ship anchors offshore and small boats are then used to transport the consignment to the shore, where it is stored in various buildings. The drugs arrive in small boxes, for example chicken food boxes, and are then repacked into boxes intended for cashew nuts or tea before being re-exported to Europe and elsewhere. The Mozambican members of the criminal network specialise in getting the licence to export cashew nuts or tea and then bribe the authorities not to examine the boxes. During the mid-1990s there were at least four large shipments of hashish out of Mozambique. Of the four, one shipment is believed to have gone to Mexico and another to Poland.<sup>15</sup>

To date there have been two arrests in the case involving the 40 tonnes of hashish. The person escorting the truck was taken into custody and a second person arrested was soon released because it appeared to be a case of mistaken identity. The fact that none of the drug traffickers have been prosecuted serves as an indictment of the policing, prosecutorial and judicial services involved and reinforces the widely held belief that the drug traffickers enjoy political protection. When the hashish was landed in Cabo Delgado, its arrival was known locally and the authorities were notified. However, they appear not to have acted against the suspects directly linked to the trafficking. Individuals who formed part of the criminal network involved included some well-known traders from Maputo. One of them, who was subsequently assassinated, allegedly used to buy stolen vehicles in the Maputo area and then sell them to members of the hashish network in the northern parts of the country.

The trafficking involves people who are connected with importing and trading businesses. They have a good knowledge of local and international trading practices and are also associated with traders who are linked to, or are based in, the north of the country, mainly in the provinces of Nampula and Cabo Delgado. Members of these criminal groups are well connected with powerful politicians in Maputo, who protect them from the police and the courts.

### *Mandrax*

Mandrax (methaqualone) is consumed almost exclusively in South Africa and is either transported through Mozambique or is produced in the country. South African criminal groups with contacts in Maputo often acquire mandrax in

exchange for vehicles stolen in South Africa and delivered to Maputo. The mandrax is then taken to South Africa for distribution, mainly in the Western Cape.

### *Corruption and the drug trade*

Corruption facilitates the trafficking of drugs in Mozambique. There is a widely-held belief that with sufficient money, traffickers can buy immunity from investigation and prosecution. The relative impunity with which some of the successful traffickers operate is often a result of their close connections with individuals at the highest levels of government or the Frelimo party. At a lower level, customs officials are bribed to facilitate the entry and removal of drugs from the country, immigration officers are bribed to provide identity or residence permits (known as DIREs) for foreigners involved in trafficking and the police are paid to look the other way or to assist the traffickers. It appears that judicial officers in the legal system are only targeted in the relatively few cases where traffickers are actually brought to trial.

Poor salaries, institutional fragility, and connections with senior government officials therefore fuel corruption and bribery and facilitate the drug trade. Those individuals within government departments who wish to take steps against drug traffickers, such as some members of the police, are often reluctant to proceed because they do not have the political power to counter the existing links between the traffickers and high government officials and politicians. The State Information Security Service (SISE) has on occasion received information about drug consignments about to enter the country, but in many cases they are unable to act because of the connection between organised drug trafficking groups and powerful officials and politicians.<sup>16</sup>

### ***Money laundering***

Money laundering activities in Mozambique are linked primarily to drug trafficking. The profits of the Mozambicans involved in the trafficking amount to millions of US dollars each year. Some of this money is spent on items such as houses and luxury cars, but the traffickers also convert large portions of their proceeds into properties and businesses in the legitimate economy to generate profits or to sell at a later stage without arousing suspicion.<sup>17</sup> It is suspected that this money has contributed to the upsurge in the construction of new buildings in Maputo, Nampula and Pemba. The investment in hotels and tourism is strategic because it is relatively easy to declare more clients than have actually been serviced and thereby disguise profits earned from illicit drug trafficking.

During the 1990s, investment in the tourism and banking sectors represented 18% of the decade's total investment.<sup>18</sup>

A portion of the proceeds from drug trafficking is channelled to banks abroad and then invested outside the country. Some of the banks, foreign-exchange bureaux and casinos in Mozambique are likely conduits for the laundering of these funds. During 2001, Mozambique had 10 banks and about 30 foreign exchange bureaux, probably more than the legal economy could justify. The main offices of the banks are all in the capital, Maputo, and so are the majority of exchange bureaux. The surprisingly large number of exchange bureaux was one factor that caused the Bank of Mozambique, the country's central bank, to suspect that they contributed to financial speculation and the depreciation of the local currency against the US dollar. During the last three months of 2001, two exchange bureaux were closed by the central bank. Since 11 September 2001 some exchange bureaux and shops have been targeted for investigation on suspicion that they were involved in money laundering activities and might have links to the Al Qaeda network.<sup>19</sup>

South African criminal groups are known to have used Mozambique to launder the proceeds of their cross-border criminal activities. This includes money paid to them in exchange for the delivery of stolen vehicles from South Africa. Some investments have been made in the construction industry.

Violence relating to money laundering is not common, but occurs in cases when individuals within the criminal network keep information from other members or when they try to escape from the control of the network. Banking officials who obtain information about laundering activities are also under threat. For example, during 1996 a Portuguese administrator of the International Bank of Mozambique was assassinated, allegedly after receiving information about money laundering transactions occurring through his bank.<sup>20</sup> Those who killed him were arrested but the criminal network behind the money laundering activities was never identified or prosecuted. The assassins were sentenced to long terms of imprisonment but have since been released. Such early releases inevitably fuel the public perception that influential criminal groups involved in money laundering are influencing the decisions of prison authorities through bribery and corruption and that this is obstructing justice in Mozambique. Powerful criminal networks can almost be seen as having created a parallel power base from which to challenge the structures and capacity of the state.

Activities relating to money laundering also impact on the national economy. Drug money that is laundered through the banks leads unsuspecting officials

to conclude incorrectly that all the money deposited in their bank (including deposits by drug traffickers) originates from an increase in the country's production and general commercial exchange. Banking statistics could therefore provide a skewed picture of the real state of the Mozambican economy and this could have significant consequences, according to the assessment of international experts. Some are of the view that the trafficking of drugs is the largest business in Mozambique and that "the value of illegal drugs which pass through Mozambique probably represents more than the total external commerce".<sup>21</sup> The profits from this activity, although not declared, could therefore have a large impact on the Mozambican economy. In fact, the money that accrues from drugs could be an important contributing factor to the high growth rate of the Mozambican economy during the past few years. As is to be expected, the extent of money laundering is not covered by official statistics and it is not known whether this activity is increasing.

At the beginning of November 2001, the Mozambican parliament, the Assembly of the Republic, unanimously passed the first reading of a government Bill on money laundering. The Bill is aimed at money acquired through drug trafficking, gun running, the trade in stolen vehicles, and organised prostitution. Several deputies indicated that they would introduce amendments during the committee stage in order to widen the scope of the Bill. Members from the Renamo Electoral Union opposition coalition indicated that they would seek to amend the Bill in order to ensure that it also covered funds acquired through "embezzlement and corruption" and through dealing in contraband goods.

### ***Organised assassination groups***

According to reliable sources, there are three organised criminal groups in Maputo that, among other things, operate as contract killer squads.<sup>22</sup> They are well known and are linked to a number of murders, drug trafficking and dealing in stolen and hijacked motor vehicles. They appear to operate fairly openly and are said to have connections with people in power.

The name of the leader of one of the groups is known. His group consists of about eight shaven-headed men who are Mozambican nationals. One of their evening meeting locations is a café close to Gelados Italianos, in Maputo. This group, which does not appear to have a formal structure, has also been linked to armed robbery and the highjacking of luxury vehicles in Maputo as well as South Africa. Some of the stolen vehicles are apparently sold to people in power. Members of this group have in the past been arrested and detained in

the Maputo high security prison but then released without trial under suspicious circumstances.

A second group comprises individuals of Asian origin, including Pakistanis, Indians, and Mozambican citizens. The group consists of approximately six individuals whose leader is a Mozambican of Asian origin who is known to many, especially in the Asian community, as "X, the murderer". He has been arrested on a number of occasions for bribery and also for the murder of a shop owner in Maputo who was allegedly involved in drug trafficking. It is suspected that some Pakistani members of this group have been involved in contract killings. There is evidence that such individuals could have assassinated an Indian trader in Maputo, and also that they participated in an attempt on the life of a well-known lawyer in Maputo. A member of this group was recently arrested but released soon thereafter in dubious circumstances. Neither the investigating police nor the Attorney-General's office appear to be proceeding with criminal action against him and, according to reliable information, his release or escape from prison took place after the exchange of thousands of US dollars.

This second group has, since about 1994, been involved in drug trafficking in Mozambique and in missions to recruit individuals into their illegal enterprise. A person believed to be connected with the leader of the group was arrested recently in South Africa and found in possession of mandrax. The group, which allegedly has strong links with individuals within the criminal investigation branch of the police, is also known for its threats to a number of traders in Maputo who owe it money. Media reports have referred to threats being made to a Mr Magid, who is involved in a business called the Central Market, the Bikba family and individuals connected with the Mamade furniture shop. Interestingly, many people from within the Muslim and Indian community know about the existence of this group, but because of the threats of violence and revenge they opt to keep quiet about it. Meetings of this group are held in various places, including the billiard room in the Muslim Community Building and a take-away shop in Maputo.

The third group consists largely of individuals within the police force who are members of the Search and Capture Unit, who allegedly act on the orders of some of their superiors. This group has apparently been responsible for the disappearance of a large number of prisoners, a development that was recently denounced by the Human Rights League. It is not known whether this group is motivated by possible financial gain or whether its members regard their actions as part of their job. Police authorities have always denied the

existence of such a group, but former prisoners and the Human Rights League have confirmed its existence.

### ***Trafficking in human body parts***

According to police sources, there are up to ten groups—each consisting of four or five people, including their contacts in neighbouring countries—involved in trafficking in human organs. They consist of indigenous Mozambicans and it is not uncommon to find women among their members. They do not have a sophisticated organisational structure and are mostly family based. Although these groups operate mainly in southern Mozambique, for example in Maputo and Xai-Xai, there have been reports of bodies with missing organs in the northern province of Nampula.

As the main market for these groups is in the neighbouring countries of South Africa and Swaziland, they are engaged in a form of transnational organised crime. Their objective is mainly to supply human organs, especially genitals, to traditional healers.

These groups usually kill specifically for the purpose of extracting organs. They rely on two methods: contracting with other criminals to murder the victims and then extract the required organs, and killing the victims themselves. The latter approach is often preferred because there is less risk that information relating to the murder will spread. According to police sources, one of the groups was arrested recently in Nampula Province. Corruption of customs officers is often relied upon when borders have to be crossed to supply organs in neighbouring countries. Police officers who obtain information about the activities of these groups are also bribed. Police statistics do not cover the activities of these groups and it is not known whether their activities are on the increase.

### ***Obstruction of justice***

The flagrant obstruction of justice, often involving organised criminal networks, is one of the most damaging practices facing Mozambican society and its criminal justice system. A damning report by Mozambique's Attorney-General, Joaquim Madeira, tabled and discussed in Parliament on 6 March 2002, confirms that the entire criminal justice system in the country has been discredited as a result. This report is a courageous move by the Attorney-General to reverse Mozambique's slide towards becoming a criminalised state, and it is hoped that he will receive the support of the government and the political establish-

ment. A news agency report on the Attorney-General's address to Parliament is reproduced in full in the endnotes as it touches on many of the aspects covered in this paper.<sup>23</sup>

As pointed out by the Attorney-General, there is a widely held view in Mozambique that justice is only done when an investigation has enjoyed a high public profile and when there is public pressure for results. Generally, however, the capacity of organised criminal networks to subvert the course of justice is perceived to be so high that many believe that justice will never be done. Two factors contribute to this perception. First, there is the often inadequate and sloppy investigative work of the police, causing presiding judges at trials to dismiss cases through lack of evidence. Second, the judicial system has been undermined by cases where arrested suspects have been released from detention by order of the Attorney-General before the trial has been concluded. An example was the so-called Trevo case, which arose from the discovery of a mandrax factory in Trevo, a suburb of Maputo. The Pakistani citizens who were found in the factory were released before the judgment on the orders of the Attorney-General.<sup>24</sup>

Members of organised criminal networks who have had brushes with the law are familiar with the weaknesses of the criminal justice system and know who can be bought. The most common strategy used in Mozambique is to bribe police officers involved in the criminal investigation, the prosecutors who have to prove the case, and the judge in whose power it is to dismiss the case and order the release of the accused person.

During 2001, many in Mozambique were closely following the judicial process relating to the death of the journalist Carlos Cardoso, who was murdered following his investigations into organised crime. Specifically, he was investigating problems experienced by the Mozambican banking system and the apparent disappearance of US\$14 million from the Commercial Bank of Mozambique (BCM) in 1996. The case is still pending and some arrests have been made, including that of the Satar brothers,<sup>25</sup> who had links with top figures in government. President Chissano's son, Nhympine Chissano, who has reportedly been arrested for possession of large amounts of cocaine, is believed to have been an acquaintance of the Satar brothers and was regularly seen at their house in Maputo.<sup>26</sup> The Satar brothers also managed a network of foreign exchange bureaux in Mozambique and had significant other interests in commerce and trade. During the first investigation into the fraud perpetrated on the BCM, the Satars and one Vincente Ramaya were implicated as the brains behind the affair and the beneficiaries of the proceeds. As the investigation

proceeded, four members of the Satar family escaped from Mozambique to Dubai. A fifth, Mohammed Assif, returned to Mozambique from South Africa and was arrested, but was subsequently released on bail. Vincente Ramaya was also released after some months in prison.

During 2000 the Supreme Court ordered an inquiry into the conduct of some of the state prosecutors who were involved in the investigation into the BCM fraud. The inquiry apparently found evidence of criminal conduct, which allegedly resulted in an inadequate and unprofessional investigation by two senior prosecutors and by three other prosecutors who had worked on the case at provincial level. The reports relating to the inquiry have not been published and there are indications that the Supreme Court might instruct that charges be laid against the prosecutors concerned.<sup>27</sup>

Public expectations were high that a thorough investigation and prosecution would take place, but this did not happen. The impression that the investigation was not pursued seriously contributed to a view that the Satars were responsible for obstructing the course of justice by bribing the prosecutors, judges and senior police officers connected with the investigations. (In fact, the Satars and Vincente Ramaya were subsequently, during 2001, accused of spending about US\$2 million in bribing state officials.)<sup>28</sup> Following criticism of the manner in which the investigation and judicial process were handled, President Joaquim Chissano dismissed Attorney-General Antonio Namburete and a number of prosecutors during 2000. After these dismissals, the network led by the Satars appeared to weaken. One of the dismissed judicial officers, Diamantino dos Santos, was sentenced to a term of imprisonment, but evaded it and escaped from Mozambique. He is believed to be a fugitive in South Africa or Brazil.

Only after the arrest of the Satar brothers in 2001 for their alleged links to the high-profile assassination of Carlos Cardoso, did an investigation start afresh. Public indignation about the failure by the police and the judicial system to deliver justice was high. This contributed to the sacking in December 2001 by President Chissano of Mozambique's two most senior police officers. He appears to have recognised that citizens had lost confidence in the police and the courts, and is quoted as having said:

An alarming rise in violent and organised crime has led to a sense of insecurity and to just and legitimate indignation. Citizens felt abandoned and there was a general lack of trust in the public institutions of protection, security and the administration of justice.<sup>29</sup>

The obstruction of justice is a social cancer that will continue to be used as a weapon by organised criminal groups in Mozambique unless more determined steps are taken by the state to counter it. It thrives when state institutions are weak, the salaries of state employees are low, and there is insufficient political will to combat it. President Chissano's recent steps are encouraging but it will require a major initiative to reverse the trend. The limited resources in Mozambique to address this problem will not make it any easier. No state can allow a situation to develop such as the one in which the Satar brothers virtually 'managed' numerous justice officials and people in key positions, creating what almost amounted to a parallel state structure to serve their own interests.

### ***Illegal imports (smuggling)***

Organised smuggling is an important source of private wealth accumulation in Mozambique. This activity involves a wide range of actors, including the Lebanese 'Mafia', which is growing and is starting to include important political figures who trade with or through an array of entrepreneurs. These are organised groups with a well-defined leadership and a network of retailers in many locations in the country. Commercial activity has grown in Mozambique during the last few years partly as a result of unlawful imports. An attempt to restructure the customs department is being undertaken with the assistance of the British Crown Agency. Although they have managed to reduce smuggling, such efforts continue to be hampered by some politicians.

Two factors have facilitated the illegal importation of goods into Mozambique. The first was the government's failure after independence in 1975 to create an efficient customs system. Given that the Mozambican economy is heavily dependent on imports, the sector linked to this activity has always been an obvious target for criminal groups. Instead of taking firm steps to counteract smuggling, the state for many years tolerated a system that was extremely porous. Pressure from the World Bank led to the restructuring and reforms that are presently being undertaken by the Customs Department. A few years ago, the customs sector was virtually controlled by a criminal network that took charge of the illegal importation of alcoholic beverages into Mozambique. Sources have referred to a former senior official of the Technical Unit for Restructuring of Customs (UTRA) as a leading figure in the smuggling of goods.<sup>30</sup>

The second factor that facilitates the illegal importation of goods relates to the length of the Mozambican coastline and its land borders. The weak capacity of the state to control these borders allows organised networks to violate import

and customs requirement almost with impunity. During 2001, customs officials reported the seizure of large quantities of tobacco and alcoholic beverages smuggled into Mozambique through illegal entry points, one of which lies north of Pafuri on the border with South Africa. The director of Mozambique's National Sugar Institute reported in September 2001 that an estimated 70 000 tonnes of sugar were smuggled annually into Mozambique. He warned that the dumping of sugar below cost price in the Mozambican market could suffocate the country's own sugar producers.<sup>31</sup>

Responding to suggestions by journalists that a sophisticated organised criminal group from Maputo was involved, Prime Minister Pascoal Mocumbi stated that the government was "committed to combating such organised crime, in the defence not only of the sugar industry but of the entire economy".<sup>32</sup>

The illegal imports have as their main goal the evasion of import taxes that should accrue to the state, thereby enabling the smuggled goods to be sold at highly competitive prices. In 1997 a large consignment of plain flour, contaminated with potash bromide and hence unsuitable for human consumption, entered Mozambique without the payment of taxes and was sold at low prices. The importer was allegedly a company called Mozambique International Trading, run by a group of Lebanese traders who had come to Mozambique from Angola. In the first six months of 2001, customs officials discovered a large imported quantity of sugar and cooking oil in Nacala in the north. The importer had falsely declared that the commodities were in transit to Malawi. After being unloaded in the harbour they were removed, apparently with the connivance of officers employed by the harbour and railways administration. An investigation showed that the consignment had been illegally imported. The owners of the commodity had by that time disappeared and have still not been located. The sugar and cooking oil were evidently meant to be sold on the local market at low prices.<sup>33</sup>

Again, the organised criminal groups involved in smuggling depend on the cooperation of customs officials at key points such as border posts and harbours. In addition to bribing officials, some operators have identified parts of the Mozambican border where there is no customs supervision at all.

According to sources linked to the Customs Department, a considerable number of Mozambican traders have survived or have thrived in recent years through fraud and corruption in the importation process. During 2000, the media exposed the illegal importation of 20 000 tonnes of sugar. The identity of the importer was difficult to determine. Customs officials refused to reveal this to

the media, on the grounds that the importer was already paying the required duty. Sources claim that the importer was a Lebanese with high-level connections in the state and Frelimo party hierarchies.

The son of a top politician has also been implicated as an illegal importer of alcoholic beverages. A simple strategy was apparently used: the person involved introduces himself as “the son of so-and-so” in order to deflect the scrutiny of customs officials from the imported commodities. On occasion he has allegedly called top customs officers and even the Ministry of Planning and Finance, demanding the release of seized commodities. According to customs officials, other leading figures also use this procedure.

Every year customs authorities discover dozens of instances of smuggling. The more common commodities are vehicles, sugar, automobile spares, alcoholic beverages, tobacco and plain flour. This smuggling industry, for it is an industry, has spawned a dependence syndrome among many of its beneficiaries and the network of people who co-operate to make it work. Honest officials are inhibited from fighting determined groups because of the connection which they often have with senior persons in government. There is no doubt that smuggling costs the state millions each year in lost revenue. However, the current emphasis on customs reform and transformation has led to a decline in the number of incidents of unlawful importation of goods and the capacity for supervision and control has improved. Frequent seizures have occurred and, as a result, state revenue from this source has increased.

### ***Vehicle theft and bank robberies***

In general the activities of criminal groups involved in domestic organised crime (in contrast to transnational organised crime) are less prominent than most of those referred to above. These local groups, which include vehicle and bank robbers, seem to have been well identified by the police.

Such groups are concentrated mainly in Maputo. A large number of car thefts are committed by individuals who supply the vehicle to organised groups. These groups, who do not have a sophisticated structure, are composed of six or seven individuals, including their operatives and mechanics. Vehicles tend to be stolen in Maputo and then taken to suburban areas where they are modified or completely dismantled. The modified vehicles are thereafter sold in the city, while the dismantled ones are sold as spare parts. Some groups prefer to sell the stolen vehicles in the north of the country or in neighbouring countries

such as Malawi and Zambia. A small number of luxury vehicles stolen in Mozambique have also been disposed of in South Africa.

Similar characteristics of structure and composition are found among bank robbers. The banks in Mozambique are very vulnerable to armed robberies, in which several million US dollars are stolen annually. Often the criminal groups involved have developed links with bank officials who supply them with the necessary information. According to police sources, both car hijackings and bank robberies are often accompanied by murders. Firearms are used when there are any signs of resistance to the seizure by victims. Most of the money that is stolen seems to be spent on property, electronic goods and luxury vehicles. According to police statistics, the activities of these local groups have largely remained constant with perhaps only a slight increase occurring.

## **The penetration of state and business structures by criminal networks**

There is a widely held perception within intellectual circles in Mozambique that the state is a gangster state. This has come to the fore in television debates, newspaper editorials, readers' letters and at the universities.

Mia Couto, a well-known Mozambican writer, said recently in an interview that "Mozambique is becoming an impracticable country. We live in a kingdom where those who lead are the criminals". The year 2000, Couto said, "was a year of prosperity for the gangsters".<sup>34</sup> This was an obvious reference to organised crime.

Making an assessment of the year 2000, a well-known economist, Antonio Souto, wrote at the beginning of 2001 that "the Attorney-General, the courts and in general the judicial institutions continue to be guided by lack of efficiency and, to a large extent, [are] manipulated by the Mafia".<sup>35</sup> Although these views emanate from only two individuals, they represent a more widely-held notion that the state is connected to crime.

One of the reasons for these views is the apparent ease with which organised criminal networks have managed to infiltrate both state and business structures. Some of the examples have been outlined above. The disappearance of US\$14 million from the Commercial Bank of Mozambique and the state's response to this is a typical example of criminal networks (in this case also involving state officials) having penetrated a business structure. Another exam-

ple is the wide network of traders who participate in the buying and selling of smuggled goods.

The structures, characteristics and general operation of the criminal networks, and the impact of their activities, have been described above. What follows relates to:

- their *modus operandi* in penetrating state and private sector structures;
- the impact of such penetration on the government structures and on the ability of those structures to supply an effective service to the citizens; and
- the impact on legitimate commerce and trade within the country and on international trade, in particular with the countries of SADC.

### ***Modus operandi***

Organised criminal groups generally use three methods to penetrate structures of the state and the private sector:

- bribery and corruption;
- the use of influence through political patronage; and
- intimidation or coercion.

Their task is not very difficult when one bears in mind that during 2001 the minimum salary of state employees in Mozambique was about 700,000 Meticals per month—about US\$40. The salary of a police officer who investigates organised crime is less than four million Meticals per month—approximately US\$180. Senior prosecutors at provincial level earn salaries of about eight million Meticals, or approximately US\$360, per month.<sup>36</sup> Very high unemployment rates also mean that jobs are precious, particularly in the state sector where a degree of job security is assured.

#### *Bribery and corruption*

Criminals spend thousand of dollars in bribing state officials and individuals in the private sector. Members of the Satar family, referred to above, are suspected of having bribed prosecutors, judges and senior police officers to preempt and neutralise the investigation into their alleged involvement in the loss of US\$14 million by the Commercial Bank of Mozambique. They are today accused of spending about US\$2 million on such bribes. No thorough or effective investigation into their conduct has taken place. Details of their alleged

role in the disappearance of the US\$14 million from the bank have not come to light and it is therefore not possible to say whether, and to what extent, the bribing of bank officials and others played a role in that case.

The fact that some prosecutors and police officers, whose state salaries are low, publicly display their luxury vehicles and other expensive possessions, inevitably arouses the suspicion of corruption.

The criminal groups involved in drug trafficking use the same procedures in their penetration of state structures. They rely on the 'purchase of impunity' through bribery and corruption in order to operate without too much state interference. They cultivate connections at the highest levels of the state hierarchy or of the ruling Frelimo party and seek their protection in exchange for money. Buying impunity might also require the bribing of customs officers to facilitate the importation and exportation of drugs, of immigration officers to buy DIREs to facilitate the movement of their foreign collaborators, and of police members to ensure that they do not take steps when receiving reports of illegal activities or in order to get them to act supportively.

#### *Reliance on political influence*

The cultivation and use of links with top political figures often results from the 'buying' of influence. Senior political figures, mainly those whose political authority is derived from their participation in the war of liberation in Mozambique, use their influential positions to intimidate those state officials who would be in a position to act against corruption and organised crime.

There is a perception among some in Mozambique that the state mainly serves a minority of political supporters who benefit from its resources. The expansion of the so-called 'national bourgeoisie' in Mozambique is being helped along through the accumulation of capital, often derived from commissions that supporters of political parties and their relatives receive as a result of having cultivated influence, often through corruption.

Mozambique could not have become an international transit centre for narcotics without widespread collusion between organised criminal groups and state officials. The international Mavalane airport in Maputo is regarded as a relatively 'open' and low-risk exit and entry point for drug smugglers or couriers. This all contributes to Mozambique being considered an important international transit country for drugs. The large-scale re-routing of drugs such as hashish, cocaine or mandrax to countries in Europe and East Asia or to South

Africa requires low-risk storage facilities. As with any other business, the traffickers need to build up stocks from which to supply their markets in Southern Africa and, more importantly, abroad. The policing of such storage facilities is a problem, even in countries with adequate resources and large police agencies. The size of Mozambique, its long coastline and land borders, and its underfunded police force, all contribute to making this task even more difficult.

### *Intimidation and coercion*

This is a method used by criminal groups with links to politicians and senior state officials involved in organised crime. The case of the illicit importation of liquor, facilitated by the son of a top politician (referred to above) serves as an example. When this person expects any obstacles in the process of clearing his illicitly imported goods, he allegedly uses his position as the son of a well-known politician to intimidate and influence customs officials. In the circumstances in which Mozambique finds itself, it is perhaps understandable that state officials will be reluctant to prevent a person with such connections from proceeding with his illegal activities for fear of possible reprisals.

### ***The impact of such penetration on government structures and their ability to supply an effective service***

It is to be expected that the penetration by organised crime of governmental structures erodes the trust that citizens have placed in them. Where this phenomenon becomes part of the public discourse, an impression soon develops that the state does not have the political will to fight crime.

Because of the undermining networks it creates, the penetration of state structures by organised criminal groups limits the state's ability and scope to take effective action. It also directly compromises the transparency of government and of the structures affected. For example, the Mozambican minister responsible for customs and excise may have laudable intentions when promoting the reform of customs policies and procedures in order to increase state revenue so that more money can be spent on activities and projects aimed at alleviating poverty or advancing education. However, if the son of a senior politician is involved in the illicit importation of goods, it becomes very difficult to take action for fear of the consequences.

Transparency and trust are also compromised when the state appears to have double standards. The failure by the state to publish information relating to the

involvement of well-connected figures in criminal activities clearly sends the signal that it is protecting such persons or the public figures with whom they have connections.

Criminal penetration also has a significant impact on the administration of justice. The criminal justice system is seen to be subservient to powerful organised criminal groups, thereby seriously undermining its public credibility. Once again, the activities of the Satar brothers can serve as an example. They allegedly not only interfered with the investigation of the case involving the loss of US\$14 million from the Commercial Bank of Mozambique, but also managed to influence police investigators when they faced other allegations of unlawful conduct. They were accused of having used the funds allegedly obtained from the Commercial Bank of Mozambique to lend money at usurious rates. Traders in financial difficulties allegedly borrowed money from them because the banks declined to advance them funds. The Satars would then impose high interest rates and very short repayment periods. Some traders, such as the Central Market Group of Maputo, incurred heavy debts with the Satars. When collecting their debts, the Satars appear to have been able also to rely on the human and material resources of the state. In this way they were allegedly placed in a position from which they were able to influence orders of imprisonment for their debtors or their release from imprisonment.<sup>37</sup> The police and prison officials involved allegedly acted in a compliant manner and did not always abide by the law.

After Carlos Cardoso was assassinated in 2001, one of the suspects who was arrested implicated the Satar brothers. The police involved in the case then allegedly released or removed this suspect, causing the investigation to change its focus. It was only at this stage, when the public became aware that the investigation appeared to be strongly influenced by the Satar brothers, that the police who were probing Cardoso's murder were dismissed from the case. The penetration of the Satar brothers into police circles contributed to the failure by the police to undertake their task in a professional and impartial manner. Such conduct, which is the subject of public discussion in Mozambique, inevitably creates the perception that any citizen who has a conflict or fallout with the Satars does not enjoy the protection of the state or the law. In such circumstances the state is seen to be ignoring the law and serving the interests of the Satars instead of acting in the public interest.

A few year ago a judge ordered the release of ten citizens of Asian origin who were implicated in the trafficking of drugs after they had been found in a

mandrax factory in Maputo. They were released under conditions which the judge did not disclose to the Supreme Court or to the Juridical Magistrate. The suspects immediately escaped from Mozambique, resulting in the closure of the case against them. The judge who released them was subsequently dismissed in May 1996.<sup>40</sup>

The inability of the criminal justice system to deliver effective justice has on occasion led to tension between the police and the judiciary. Members of the police maintain that arrested criminals are often released the following day and they blame the prosecutors and judges for this, accusing the courts of releasing important suspects. The judges, in turn, respond with accusations that police investigations are poor and that insufficient evidence is placed before them to justify convictions or detention in prison. It appears that growing frustration within some police circles has led to the formation of unofficial groups that kill suspects while, it is alleged, they were resisting arrest or trying to escape. This form of organised criminality emanates from within state structures and is not a result of criminal penetration. Sources claim the existence of at least one such group,<sup>38</sup> composed of police members but operating without the authority or mandate of police management. It pursues its own agenda, eliminating important criminals who are thought to have the means to escape the judicial process.

## Concluding comments

This paper has focused primarily on recording the information that emanated from the study on organised crime and related corruption in Mozambique. Much work remains to be done to analyse this information in order to assess its impact on governance in Mozambique. However, what the study clearly shows is that Mozambique is very close to becoming a criminalised state. Unless there are dramatic and far-reaching interventions by the Mozambique government, this slide will lead to criminal networks, involving also top political and government figures, becoming a routine part of governance in Mozambique, operating in the shadow of the formal state administration. Attorney-General Joaquim Madeira's report to the Mozambique parliament needs to be taken seriously.

Studies that have focused on the phenomenon of the criminalisation of the state accept that it is difficult to quantify the definition of criminalisation. In their book, *The criminalization of the state in Africa*, Bayart, Ellis & Hibou avoid any attempt to arrive at a strict juridical definition of criminalisation and instead offer the following more general and generic definition:

The criminalisation of politics and of the state may be regarded as the routinization, at the very heart of political and governmental institutions and circuits, of practices whose criminal nature is patent, whether as defined by law of the country in question, or as defined by the norms of international law and international organizations or as so viewed by the international community, and most particularly that constituted by aid donors.<sup>41</sup>

If Mozambique has not already reached that point, then it is certainly very close to it. The concept of the 'captured state' has also been used to describe government structures that have become captives of uncontrolled corruption. It has generally been used to describe the conditions in countries with transitional economies where, as a result of grand corruption, so-called oligarchs have been able to manipulate policy formation and even shape the emerging rules of the game to their own advantage. State capture has been defined as "the efforts of firms to shape the laws, policies, and regulations of the state to their own advantage by providing illicit private gains to public officials".<sup>42</sup> Unlike Russia and some of the former states of the Soviet Union, Mozambique did not enter its economic transition with powerful oligarchs in place who could manipulate the state to their own advantage. The Mozambican 'oligarchs' appear to be the wealthy organised criminal networks that have secured political protection and that operate parallel to the state with relative impunity. This form of 'double state authority' is potentially even more pernicious as it emasculates state authority and democratic governance in areas far beyond those that would be of interest to real oligarchs in countries such as Russia.

In addition to undermining the accountability and transparency of state structures, organised criminal networks in Mozambique have also successfully penetrated sectors of commerce and trade. Cynics might argue that, against the background of Mozambique's astounding economic growth during the past few years, the wide-scale smuggling of goods, such as the illegal importation of sugar, constitutes part of capitalism gone rampart. Small and medium-sized traders in Mozambique, who have benefited from years of trading in goods smuggled into the country without customs duty having been paid, might have benefited as a result of the involvement of organised crime in business.

However, for the fledgling sugar industry in Mozambique, the smuggling into the country of 70 000 tonnes of sugar per annum can only spell hardship. Such relatively large illegal imports will certainly undermine domestic production as they distort the price structure and make local production less competitive, resulting in an outflow of the capital to pay for the imported sugar. Consumers

who are able to buy cheaper smuggled sugar may argue that they have benefited, but this would have been at the expense of domestic employment, state revenue collection, and longer-term self-sufficiency. Such activities lead to a skewed economy with serious consequences for longer-term investor confidence, fixed investment and economic growth.

Mozambique should therefore recognise the red warning lights that are flashing and act decisively to restore accountable and transparent governance. There is a tendency by some developed countries to minimise the corrosive impact which organised criminal networks and corruption have on the Mozambican society, or to look the other way because of the significant steps towards democratisation and a market economy that Mozambique has taken. The serious situation on the ground certainly does not justify such complacency. SADC governments, some of whom face similar threats to governance in their own countries, should also demonstrate that they have the political will to combat organised crime and corruption more effectively. What happens in Mozambique will inevitably have repercussions for the entire SADC region as far economic stability, democratic governance and the investment environment are concerned.

## Notes

- 1 Economist Intelligence Unit, *Country profile Mozambique*, Report 1, June 2001, <http://db.eiu.com> accessed 26 October 2001.
- 2 Ibid.
- 3 United Nations Development Programme, *Human development report 2001*, [www.undp.org/hdr2001/presskit.pdf](http://www.undp.org/hdr2001/presskit.pdf)
- 4 Luis Antonio Mondlane, quoting Samora Machel's *A luta contra o subdesenvolvimento*, in *The growth, extent and causes of crime: Mozambique*, Crime and policing in transitional societies seminar report No. 8, Konrad-Adenauer-Stiftung, Johannesburg, 2001, p 94.
- 5 Interview by Peter Gastrow, Maputo, 16 November 1999.
- 6 Pan African News Agency (PANA), 4 April 2001, reported in the Reuters *Business Briefing* on 5 April 2001.
- 7 See also article by Joseph Hanlon, *Metical*, June 2001.
- 8 According to the report, authorities seized 3 tonnes of *Cannabis sativa*, 13 000 tablets, 660 kilograms of mandrax and 15,542 kilograms of hashish in 2000.
- 9 Marcelo Mosse, interview with sources in Maputo, July 2001.
- 10 Hanlon, op. cit.
- 11 Peter Gastrow, interview with source in Maputo, November 1999.
- 12 Ibid.
- 13 Mondlane, op. cit.
- 14 This information derives from an investigation into the case during 1995 by Marcelo Mosse, published in the newspaper *Savana*, 6 October 1995.
- 15 Marcelo Mosse, unpublished research.
- 16 Marcelo Mosse, interviews with various individuals, July 2001.
- 17 Hanlon, op. cit.
- 18 A study by economist Carlos Nuno Castel' Branco, referred to in an article by Joseph Hanlon in *Metical*, July 2001.
- 19 Marcelo Mosse, interviews with sources within the Secret Police (SISE).
- 20 *Metical*, various articles.
- 21 Hanlon, op. cit.
- 22 Information on these groups was collected from prisoners in Machava Central

Jail, Maputo. One of the sources was involved in the transportation of the 40 tonnes of hashish in 1995.

- 23 Attorney-General paints sombre picture of justice system, Mozambique News Agency, 7 March, 2002. The report reads as follows:

Mozambique's Attorney-General, Joaquim Madeira, on Wednesday painted a sombre picture of the country's legal system, pointing out "flagrant facts that lead to lack of credibility, distrust and even contempt for Mozambican justice".

Giving his annual report to the country's parliament, the Assembly of the Republic, Madeira pointed to incompetence, corruption and abuse of power at all levels of the administration of justice—police, attorneys, judges, lawyers and prisons.

Work done by the Criminal Investigation Police (PIC) was often of such poor quality, that the public prosecutor's office had to carry out supplementary inquiries of its own before it could draw up a proper charge sheet against suspects. Much worse was corruption within PIC. "Cases concerned with theft from the state, from banks, and from other private bodies do not advance", said Madeira. "The papers disappear, and nobody knows about them because they've been shelved, hidden or even destroyed". His office had received from the Bank of Mozambique a list of such cases that were supposedly with the Maputo City PIC. Months ago, Madeira's office had asked PIC for these cases "but so far we've had no reply". Madeira argued that the only way to deal with serious anomalies within PIC is to take it out of the Ministry of the Interior, and put it under the direct control of the Attorney-General's Office. As for Attorneys, Madeira said he continued to be surprised by those who failed to press charges against suspects, when there was more than enough evidence to haul them before court. Such tolerance smelt of corruption, he noted. There were also prosecutors who took no initiatives, but just waited to be contacted about crimes that occurred within their area of jurisdiction. Disciplinary measures had been taken against such people, because this inertia made them accomplices to crime "and is incompatible with the duties of public prosecutors". There were some prosecutors, he added, who in an entire year did not appear in court. There were judges too whose rulings paid no attention to the evidence produced, and who ordered "interminable extra investigations in order to drag out the cases deliberately, so that the accused will be released because the time limit for the trial has expired". Madeira also said his office was aware of a case where a judge condemned a criminal to 12 months in jail: a relative of the criminal went to speak to the judge, and he promptly scaled the sentence down to two months. Some lawyers too acted in a highly irregular way. "Some interventions by lawyers in criminal cases are a real distortion and obstruction of due process and of justice", accused Madeira. There were lawyers who forbade their clients from making statements, even when the clients wanted to,

and others who “smuggled in components of equipment that would allow their detained clients to communicate with the outside world”. No names were mentioned, but last year the lawyer Espírito Santo was accused of trying to smuggle a mobile phone into the cell of Momade Assife Abdul Satar, one of those accused of the November 2000 murder of Mozambique’s best known journalist, Carlos Cardoso.

Madeira attacked the Mozambican Bar Association itself. The anomalies committed by lawyers, he said, although they offended against the ethics of the Bar Association, “rely on the protection, or at least the apathy, of the Association’s leadership, which, although informed about these matters, has given no sign that it will do anything”. Some of Madeira’s most severe criticisms were directed at the country’s prisons. “Inmates escape from almost all the country’s prisons, sometimes in a spectacular fashion”, he said.

“Preliminary investigations indicate that these escapes enjoyed the connivance of prison guards, or were at least facilitated by their inexcusable negligence.” Some of the cases mentioned by Madeira indicate serious corruption: a woman prisoner serving a long sentence (whom he did not name) not only left the jail, but was provided with all the documents needed to flee to the United States. In other cases, guards and prison directors severely abuse prisoners. Madeira spoke of the practice of using unpaid prison labour on farms belonging to the prison directors, and of a case in which a guard beat a prisoner to death. One of the tasks of the Attorney-General’s office is to inspect the prisons. Madeira said that in general the prisons are overcrowded, “with all the health problems that flow from that”. Thus the central prison in the Maputo suburb of Machava, has an installed capacity for 800 inmates. When it was last visited, on 23 October, there were 2,800 prisoners living there. Living conditions in the prisons “remain deplorable,” said Madeira. He thought the solution was more open prisons, where inmates could produce food for their own sustenance. Perhaps the worst aspect of Mozambican prisons is that most people incarcerated there have not been found guilty of any offence. They are simply awaiting trial. One of the most bizarre reasons given for postponing trials is the lack of vehicles to take the accused from jail to the courtroom. In Maputo, this was “one of the main constraints on the administration of justice,” claimed Madeira. “The irregular functioning of the prison vehicles that carry detainees between the prisons and the courts severely hinders the timely holding of trials,” he said. “The dates are marked for trials but they are not held, or when they are held it’s much later than the time stipulated, which creates problems for everyone involved in the case.”

- 24 The Attorney-General responsible, Mr Muthisse, was subsequently dismissed from his position.
- 25 During 1999 and 2000, Carlos Cardoso wrote several articles in *Metical* about the involvement of the Satar brothers in the CBM case.

- 26 Mozambique's downward spiral, *Mail & Guardian*, 23 March 2001.
- 27 Marcelo Mosse, information obtained from reliable sources.
- 28 Ibid.
- 29 Mozambican top police officers sacked, Xinhua News Agency, Document ID: 20011219340000165, 19 December 2001, <http://library.northernlight.com/FB20011219340000165.html?cb=0&dx=1006&sc=0#doc>
- 30 Marcelo Mosse, op cit.
- 31 Smuggled sugar threatens local industry, Xinhua News Agency, Document ID:20010906990000101, 9 June 2001, <http://library.northernlight.com/FB20010906990000101.html?cb=0&dx=1006&sc=0#doc>.
- 32 Ibid.
- 33 *Metical*, September 2001.
- 34 Interview by Marcelo Mosse, published in *Demos*, February 2001.
- 35 Antonio Souto, *Metical*, 2 January 2001.
- 36 Marcelo Mosse, information obtained from the office of the Attorney-General.
- 37 Marcelo Mosse, sources from within the Policia de Investigacao Criminal.
- 38 Ibid.
- 39 Joel Hellman & Daniel Kaufmann, Confronting the challenge of state capture in transition economies, *Finance & Development*, September 2001. See also Joel Hellman, Geraint Jones & Daniel Kaufmann, *Seize the state, seize the day: State capture, corruption, and influence in transition economies*, World Bank Policy Research Working Paper No. 2444, 2000, <http://www.worldbank.org/wbi/governance>.
- 40 Jean-Francois Bayart, Stephen Ellis & Beatrice Hibou, *The criminalization of the state in Africa*, The International African Institute in association with James Currey, Oxford and Indiana University Press, Bloomington and Indianapolis, 1999.