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## Mozambique



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Three years after Carlos Cardoso's murder, the identity of all those involved is still unknown

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A Reporters Without Borders representative went to Mozambique from 28 October to 6 November to find out where matters stand three years on in the case of journalist Carlos Cardoso, the editor of the newspaper *Metical*, who was gunned down in Maputo on 22 November 2000.

Reporters Without Borders met Cardoso's friends and family members, his former colleagues, judges and politicians. It also met justice minister Jose Abudo and attorney-general Joaquim Madeira.

The organisation asked for permission to visit two of Cardoso's murderers who have been jailed: Momade Abdul Satar (also known as Nini), who has accused the president's son of involvement, and Anibal dos Santos Junior (also known as Anibalzinho), the head of the team that carried out the killing. Permission was granted only in the case of Anibalzinho.

## The identity of all those involved is still not known

On 31 January 2003, six persons were sentenced to prison terms ranging from 23 to 28 years for Cardoso's murder. During the trial, two of the defendants accused the president's eldest son, Nyimpine Chissano, 33, of being the real instigator of the murder. Chissano was immediately summoned and questioned by the judge, Augusto Paulino, but he denied any kind of involvement.

The day after the verdicts were announced, Cardoso's mother, Maria Luisa Cardoso, exclaimed to the Portuguese news agency *Lusa*: "So the president's son is still free!"

Nonetheless, attorney-general Madeira announced in late December 2002, shortly before the end of the trial, that an enquiry would be held to determine whether Nyimpine Chissano had any role in Cardoso's death. As well as the president's son, this case (number 149/PRC/2003) also concerns the possible involvement of Octavio Mutemba, a former minister and head of the Banco Austral; Apolinario Pataguana, director of Expresso Tours, a travel agency owned by Nyimpine Chissano; and Candida Cossa, a businesswoman and former customs official.

The people Reporters Without Borders met during its visit said they were convinced that not all of those behind the murder have yet been identified. They were unanimous in maintaining that another person was involved, an instigator, aside from the six already convicted. But no one accused Nyimpine Chissano outright. "It could be him or some other, very influential, person," one of Cardoso's former colleagues said.

In his cell in the Maputo top-security prison, Anibalzinho told Reporters Without Borders he is the only person who knows the whole truth. "I will die here. There are people outside who want me to die here. If there is a new trial one day, then perhaps I will say everything I know." Asked if there were other people responsible for Cardoso's death who were still at large, he said: "I cannot reply." He added: "I am the one who killed Cardoso, but I didn't order his death."

### **An exemplary trial**

The trial of six people accused of murdering Carlos Cardoso began in Maputo on 18 November 2002, two year's after his death. After a month of courtroom hearings and several weeks of deliberation, judge Augusto Paulino issued his verdict on 31 January 2003. The six defendants were sentenced to prison terms ranging from 23 to 28 years. The trial was held in a special courtroom inside the top-security prison for fear of "disturbances of the peace." Journalists were allowed to attend and all the hearings were carried live on national TV and radio.

Momade "Nini" Abdul Satar was sentenced to 24 years in prison; Ayob Abdul Satar, Vicente Ramaya, Manuel Fernandes and Carlos Rachid Cassamo each got 23 and a half years. All five were found guilty of "homicide." The sixth defendant, Anibal "Anibalzinho" Antonio dos Santos Junior, was sentenced in absentia to 28 years in prison and 15 years' loss of civic rights. He had escaped from the top-security prison in September 2002 and was recaptured in January 2003.

### **"No one is above the law"**

The investigation into the possibility of Nyimpine Chissano's involvement in the murder has not yet concluded. The Cardoso family lawyer, Lucinda Cruz, said nothing or almost nothing has been done since February 2003. Attorney-general Madeira, for his part, said the investigators had been waiting for the end of the trial of seven police accused of assisting the escape of Anibalzinho, one of the convicted killers, because they hoped this trial would yield additional information about the Cardoso case.

Madeira told Reporters Without Borders: “Work has resumed since the trial of those responsible for Anibalzinho’s escape ended. In no way is it fair to claim that the process has not advanced because the president’s son is implicated. That’s simply not true.” He added: “I’ve even appointed a deputy, Rafael Sebastião, to take full charge of this case.”

The attorney-general also insisted that “no one is above the law” in Mozambique. “Nyimpine Chissano is a citizen like any other and must obey the law. But you must not forget that he is still presumed innocent.”

President Joaquim Chissano has commented on the case on several occasions, saying he would not interfere in the course of justice, even after his son was named.

The attorney-general said it was impossible for him to give a precise date for when the investigation might be concluded, but he said it was “closer to the end than the beginning.”

The Cardoso family lawyer was adamant on one point: “They now have to take a position. Whatever the outcome, they cannot just leave the investigation at a standstill without saying anything. They must present their findings and explain how they arrived at them. The Mozambican people have a right to know.”

### **Gunned down in the centre of Maputo**

The editor of *Metical*, a daily newspaper, Carlos Cardoso was gunned down on 22 November 2000 on Avenue Martires de Machava in Maputo. He had just left his office in his car, with his driver, when two men blocked their way and opened fire. Cardoso was hit in the head and died instantly. His driver was seriously injured.

Prior to his death, Cardoso had been probing the country’s biggest financial scandal since independence – the embezzlement of 14 million euros from the privatisation of Mozambique’s Banco Commercial. He had named three very influential businessmen in his reports: the Satar brothers and Vicente Ramaya.

## The president's son lied

Several persons Reporters Without Borders met in Maputo said the possibility of Nyimpine Chissano's involvement inevitably slowed the investigation. "Whatever may be said, the fact that the name of the president's son has been mentioned necessarily has an impact on the work of the investigators," a journalist said. "It would be the same anywhere in the world. It's no small thing to investigate the president's family."

Most of the people interviewed also doubted that Nyimpine Chissano would ever really be brought to trial. "Nonetheless, he definitely lied in the courtroom," said Paul Fauvet, the head of the English-language service of the Mozambican news agency AIM and co-author of a book about Cardoso. "Especially about the Banco Austral," Fauvet said, alluding to Chissano's denial that he had worked for this bank, although a local newspaper later published a copy of his work contract.

"Nyimpine Chissano's image has been damaged by this case and there is no doubt about his business links with the Satar brothers," Fauvet added, referring to the brothers convicted of organising the murder. Someone close to the investigation said on condition of anonymity: "The Satar brothers' accusations are not enough. Other evidence is needed. But there's no doubt that Nyimpine and Nini [Momade Abdul Satar] knew each other and were friends."

## Disturbing accusations and coincidences

The seven policemen accused of facilitating Anibalzinho's escape were acquitted by the Maputo provincial court at the end of September. The judge in charge of the case, Carlos Caetano, accused the public prosecutor's office of negligence in its handling of the case and of failing to carry out all the necessary enquiries. He also described the seven policemen as "scapegoats intended to protect those who were untouchable." During the trial, Momade Abdul Satar accused the president's son of being behind Anibalzinho's escape in order to prevent him testifying in the Cardoso case.

Finally, the judge expressed astonishment at the behaviour of the presidential guard. This elite police unit is not usually seen in prisons. Nonetheless, members of the presidential guard were sent to the top-security prison the day Anibalzinho was transferred there in February 2002 and they did not leave until the day after he escaped. It is clear today that Anibalzinho benefited from complicity within the prison and within the police in order to escape.

Many journalists were also surprised to learn of Anibalzinho capture the very same day that the verdict was announced on 31 January 2003, too late for him to testify in the trial. One journalist pointed out that a South African daily, *The Sowetan*, had reported that the South African police in fact caught Anibalzinho a few days before that and kept his arrest secret for no apparent reason.

Candida Cossa, a wealthy businesswoman close to Nyimpine Chissano, moreover said in late February 2003 that she lied to the court in order to protect the president's son. During the trial, Momade Abdul Satar showed the court cheques signed by Nyimpine Chissano which, he claimed, were evidence that the president's son paid for Cardoso's contract killing. But Cossa said in court that the cheques were meant for her, as security for a loan. A few weeks later she asked to change her testimony and said she had been forced to lie by Nyimpine Chissano himself.

## Political influence

Joaquim Chissano, who has been president since 1986, is well thought of both in the international community and in Mozambique. He has nonetheless announced that he will not be a candidate for reelection in the presidential elections scheduled for the end of 2004. The Cardoso case is sensitive and local political analysts say the president is torn between protecting his family from any involvement in a criminal case and the desire to stand by his commitments and let the justice system do its work with complete independence, whatever the outcome.

The ruling Mozambique Liberation Front (Frelimo) is officially united behind the president, but party in-fighting could have an impact on the outcome of the investigation. Certain party leaders opposed to the president could be tempted to turn the spotlight on this case in the run-up to the elections in order to destabilise the president's closest supporters. Others might want to dispose of this embarrassing case once and for all in order to clear the party of all suspicion and restore its image.

Senior officials are also likely to try to definitively bury the affair because of concern about its impact for the outcome of the elections and the country's political stability. Many observers think the opposition Mozambique National Resistance (Renamo) has never had such a good chance of taking power and that it would take little to swing the majority its way.

### **A life fighting injustice**

Carlos Cardoso was born in 1951 in Beira, in central Mozambique. He studied in South Africa, which expelled him in 1974 for demonstrating against the apartheid regime. He began his career as a journalist with the state press. He was imprisoned for six days in 1982 after writing an editorial about the war in Mozambique. He spent three years painting and then founded a journalists' cooperative, Mediacoop, in 1992 and a daily, *Mediafax*, that was distributed by fax. He founded *Metical*, a daily distributed by fax and e-mail, in 1997. Cardoso was also active politically and he had been a member of the Maputo municipal council since 1998. He was married and had two children.

### Hesitant press

Many journalists knew in September 2002 that Nyimpine Chissano was named in a private meeting between the judge and the lawyers of the two sides. "None of them reported this at the time," said Fernando Lima, the editor of the privately-owned weekly *Savana*. "We had to wait a week before someone referred to 'the cockerel's son,' still without daring to write Nyimpine Chissano's name." When the president's son was finally named during the trial, the local media had a field day, splashing the accusations across the front pages. The journalists who spoke to Reporters Without Borders all said Cardoso's death had changed their way of working. "Fear reinforces self-censorship," the editor of another local newspaper said.

"After Carlos' death, *Metical* was not replaced by any other newspaper of the same quality," *Savana's* editor said. "His newspaper pulled the others up, it stimulated us all. There is no longer any investigative press today. We still have some courage left, but we no longer get to the bottom of things."



“We will know the whole truth one day”

Paulino, the judge in charge of the trial of Cardoso’s murderers, is confident. “I think we know much of the truth. It is hard to know everything in the world of organised crime. Other people are definitely implicated and there are probably one or two instigators still to be identified, but I am sure we will know the whole truth one day. It may take some time, but we will get there.”

Mozambique’s justice system has already demonstrated its commitment to the rule of law and to combatting impunity. The trial of Cardoso’s murderers has been exemplary in this respect. It was the first time in Africa that those responsible for killing a journalist were brought to trial and given heavy jail sentences. With the encouragement of the political authorities, the justice system must now go the rest of the way and do everything possible to shed light on the dark corners remaining in this case. This partial impunity cannot continue. All those responsible must be exposed and punished.

Mozambique must press on in order to show that impunity is not inevitable in Africa. To show the murderers of journalists who are still at large in Angola, Burkina Faso, Côte d’Ivoire, Nigeria and elsewhere that they, too, will one day have to answer for their actions.