

**REPORT
OF THE
COMMISSION OF INQUIRY
ON THE
REPORTED MASSACRES IN
MOZAMBIQUE**

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

SUPPLEMENT No.21 (A/9621)



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New York, 1974

NOTE

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CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal		iv
I. INTRODUCTION	1 - 5	1
II. TERMS OF REFERENCE, MEMBERSHIP AND ORGANIZATION OF WORK OF THE COMMISSION OF INQUIRY	6 - 34	2
A. Establishment, terms of reference and composition of the Commission	6 - 10	2
B. Organization of work and procedures adopted by the Commission	11 - 34	3
III. GENERAL ASPECTS OF PORTUGUESE COLONIAL POLICY	35 - 45	11
A. Introduction	35	11
B. General trends of colonial policy	36 - 40	11
C. Colonial war in Mozambique	41 - 45	12
IV. ANALYSIS OF TESTIMONY	46 - 157	14
A. Policy of establishing <u>aldeamentos</u>	46 - 53	14
B. "Lusitanization" or cultural oppression in Mozambique	54 - 58	15
C. Cabora Bassa project	59 - 68	17
D. Types of violence brought to the attention of the Commission	69 - 127	19
E. Responsibility for reported violence	128 - 135	27
F. Consideration of the atrocities reported in the light of relevant international conventions, particularly the Convention on the Prevention and Punishment of the Crime of Genocide and the Red Cross conventions	136 - 157	29
V. CONCLUSIONS	158 - 176	33
VI. RECOMMENDATIONS	177 - 178	36

Annexes

I. Consensus adopted on 20 July 1973 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	37
II. Map of Mozambique	39

LETTER OF TRANSMITTAL

22 November 1974

Your Excellency,

We have the honour to transmit herewith the report of the Commission of Inquiry on the Reported Massacres in Mozambique to the General Assembly in accordance with General Assembly resolution 3114 (XXVIII) of 12 December 1973.

(Signed) S. K. UPADHYAY
Chairman
(Nepal)

Guenter MAUERSBERGER
(German Democratic
Republic)

R. MARTINEZ ORDOÑEZ
(Honduras)

B. RABETAFIKA
(Madagascar)

Sverre J. Bergh JOHANSEN
(Norway)

His Excellency
Mr. Abdulaziz Bouteflika
President of the
General Assembly

I. INTRODUCTION

1. The mandate of the Commission of Inquiry on the Reported Massacres in Mozambique can be construed as a part of the struggle of mankind for human rights as well as against colonialism and imperialism. The Commission of Inquiry has laboured in discharging its mandate to investigate the reports of hideous atrocities perpetrated against the inhabitants of Mozambique by a fascist colonial régime.
2. This report attempts, as clearly and as concisely as possible, to bring to the attention of the international community the facts of the atrocities in accordance with its findings.
3. After the adoption of General Assembly resolution 3114 (XXVIII) of 12 December 1973 setting up the Commission of Inquiry, and while the Commission was in the process of discharging its mandate, significant political and constitutional changes took place in Portugal and in the Territories under Portuguese administration, particularly Mozambique. The Lusaka agreements signed by Portugal and the Frente de Libertação de Moçambique (FRELIMO), on 7 September 1974 (see A/9769, annex I) resulted in the establishment of a transitional Government with FRELIMO holding the majority of the portfolios in the Cabinet and the agreement for Mozambique to become independent on 25 June 1975.
4. This long overdue process of decolonization should be welcomed, but, of course, the fact that the political climate has changed cannot in any way affect the mandate of the Commission as laid down in resolution 3114 (XXVIII).
5. The principles proclaimed by the United Nations constitute a moral force in the world, and the Commission sees its task not least as helping to provide a deterrent for similar events, such as those studied by the Commission.

II. TERMS OF REFERENCE, MEMBERSHIP AND ORGANIZATION OF
WORK OF THE COMMISSION OF INQUIRY

A. Establishment, terms of reference and composition
of the Commission

6. At its twenty-eighth session, the General Assembly, in its consideration of the question of Territories under Portuguese administration, examined the developments reported by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the reported massacres in Mozambique and approved the consensus adopted by the Special Committee on the matter. 1/

7. At its 2198th meeting, on 12 December 1973, the General Assembly, on the recommendation of the Fourth Committee, adopted resolution 3114 (XXVIII) by which it decided to establish the Commission of Inquiry on the Reported Massacres in Mozambique. The text of the resolution reads as follows:

"The General Assembly,

"Deeply disturbed by the reported massacres in Mozambique,

"Recalling the consensus adopted on 20 July 1973 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/ in which the Special Committee stressed that the Government of Portugal must allow a thorough and impartial investigation of the reported atrocities,

"Convinced of the urgent need for such an international investigation,

"1. Decides to establish a representative Commission of Inquiry on the Reported Massacres in Mozambique, consisting of five members to be appointed by the President of the General Assembly after due consultation with Member States;

"2. Instructs the Commission of Inquiry to carry out an investigation of the reported atrocities, to gather information from all relevant sources, to solicit the co-operation and assistance of the national liberation movement and to report its findings to the General Assembly as soon as possible;

"3. Requests the Government of Portugal to co-operate with the Commission of Inquiry and to grant it all necessary facilities to enable it to carry out its mandate."

1/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. IX, para. 27. See also annex I to the present report.

8. At the same meeting, the President of the General Assembly, in accordance with paragraph 1 of the above resolution, appointed the following Member States as members of the Commission: German Democratic Republic, Honduras, Ireland, Madagascar and Nepal.

9. The Permanent Representative of Ireland to the United Nations later indicated that his country was not in a position to participate in the work of the Commission of Inquiry. After consultations with the Chairman of the Group of Western European and other States, the President of the General Assembly appointed Norway a member of the Commission (A/9496).

10. The following representatives were appointed by their Governments to the Commission:

German Democratic Republic: <u>2/</u>	Mr. Heinz-Dieter Winter
Honduras: <u>3/</u>	Mr. Roberto Martínez Ordoñez Mr. Eliseo Perez Cadalso
Madagascar:	Mr. Blaise Rabetafika
Nepal:	Mr. Shailendra Kumar Upadhyay
Norway: <u>4/</u>	Mr. Atle Grahl-Madsen

B. Organization of work and procedures adopted by the Commission

1. Officers, meetings and secretariat of the Commission

11. Mr. Shailendra Kumar Upadhyay (Nepal) was unanimously elected Chairman of the Commission of Inquiry. The Commission also decided to assign the functions of Rapporteur to the Chairman.

12. Mr. A. Z. Nsilo Swai, Chief, Caribbean and Asia/Pacific Division, Department of Political Affairs, Trusteeship and Decolonization, acted as Principal Secretary. Mr. Gilberto B. Schlittler-Silva, Political Affairs Officer of the Africa Division of the same Department, performed the function of Assistant Principal Secretary.

13. At seven closed meetings held at United Nations Headquarters between 15 April and 7 May 1974, the Commission of Inquiry organized its work and planned the field mission to Europe and Africa, which it undertook from 10 May to 16 June, for the purpose of receiving evidence and hearing testimony from witnesses and experts concerning the reported atrocities in Mozambique.

14. As originally planned in its work programme, the Commission should have heard

2/ In the final drafting stage of the work of the Commission of Inquiry, the German Democratic Republic was represented by Mr. Guenter Mauersberger.

3/ Although Honduras appointed two representatives, only Mr. Roberto Martínez Ordoñez participated in the work of the Commission.

4/ At the last meeting of the Commission of Inquiry, Norway was represented by Mr. Sverre J. Bergh Johansen.

witnesses and experts in London, Madrid, Rome, Dar es Salaam and Lusaka. The visit to Lusaka, however, was cancelled, because all witnesses scheduled to be heard in that city came to Dar es Salaam.

15. In the course of its field mission, the Commission held a total of 31 meetings, of which 5 were held in London, between 14 and 17 May; 6 in Madrid, between 20 and 22 May; 5 in Rome, between 27 and 29 May; and 15 in Dar es Salaam, between 3 and 16 June. The Commission of Inquiry later held 10 meetings at United Nations Headquarters, between 3 October and 21 November, to consider and adopt the present report. The testimonies heard by the Commission are to be found in the verbatim records of its meetings (A/AC.165/PV.1-29):

2. Procedures adopted by the Commission

16. The Commission of Inquiry decided to be guided in its work by the rules of procedure of the General Assembly. It was agreed by the Commission that its meetings should be closed, unless it decided otherwise. The Commission decided to hear witnesses and experts and decided further that witnesses could be heard individually or in groups.

17. Prior to the hearing of each witness or expert, the Chairman made a statement explaining the nature of the work of the Commission and the contribution expected from the person giving testimony.

18. Each witness or expert was invited to make a solemn declaration. The two formulae proposed were those contained in article 58 of the Rules of Court of the International Court of Justice which read as follows:

for witnesses:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth";

and for experts:

"I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

19. The Chairman asked the witness or expert to state his name, age, profession and address. In the case of witnesses, the Chairman asked where the witnesses had been when the incidents about which they were to give testimony had taken place, and then requested them to describe what had happened. In the case of experts, the Chairman asked them to give their sources of information and requested them to make statements. If an expert had written or published any material concerning the atrocities, the Chairman asked him whether he would confirm everything stated in the article or book. After hearing the statements, each member of the Commission was given an opportunity to ask questions. In some cases, the witnesses neither spoke nor understood any of the working languages of the United Nations, in which case the Commission had recourse to the services of locally recruited interpreters.

3. Conduct of the investigation

20. The Commission of Inquiry sought the co-operation of Member States and of competent organizations and individuals with a view to hearing the greatest possible

number of witnesses and receiving relevant written information on the atrocities referred to in resolution 3114 (XXVIII). The communications exchanged by the Commission for that purpose are summarized below.

Co-operation of Member States

21. On 24 April 1974, the Chairman of the Commission of Inquiry sent a telegram to each of the Ministers for Foreign Affairs of Italy, Spain, the United Republic of Tanzania and Zambia, and to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, informing them of the forthcoming visit of the Commission and inviting the co-operation and assistance of their Governments. This resulted in the provision of facilities to the Commission by the above-mentioned Governments.

Correspondence with the Government of Portugal

22. On 30 April, the Chairman of the Commission of Inquiry sent a telegram to the Minister for Foreign Affairs of Portugal informing him that the Commission of Inquiry had begun to carry out its mandate and inviting his attention to paragraph 3 of resolution 3114 (XXVIII). On the same date, the Chairman transmitted a copy of the telegram to the Permanent Representative of Portugal to the United Nations.

23. On 30 May, prior to the departure of the Commission of Inquiry from Rome to Dar es Salaam, the Commission of Inquiry received a telegram from the Ministry of Foreign Affairs of Portugal stating that the Minister for Foreign Affairs, who was absent in London, had instructed the Ministry to consult with the Department of Defence in order to obtain the necessary co-operation and facilities to enable the Commission of Inquiry to carry out its mandate. No further communication was received from the Government of Portugal.

Correspondence with the Government of the United Kingdom

24. On 1 July, following a decision adopted by the Commission of Inquiry at its 31st meeting, held at Dar es Salaam on 15 June, the Chairman of the Commission addressed a letter to the Permanent Representative of the United Kingdom to the United Nations requesting him to bring to the attention of his Government the information that, in the course of its field investigation, the Commission had heard testimony several times concerning the participation of Southern Rhodesian troops in the massacres perpetrated against the people of Mozambique. No reply was received from the United Kingdom Government.

Co-operation of the Permanent Observer of the Holy See to the United Nations

25. On 7 May 1974, the Chairman of the Commission of Inquiry sent a letter to the Permanent Observer of the Holy See to the United Nations requesting the co-operation of the Holy See.

Co-operation of the Organization of African Unity

26. In identical telegrams, dated 1 May 1974, the Chairman of the Commission of Inquiry informed the Organization of African Unity (OAU) and the OAU Co-ordinating

Committee for the Liberation of Africa of the itinerary and programme of work of the Commission and requested their co-operation and assistance in contacting potential witnesses.

Relations with FRELIMO

27. By paragraph 2 of resolution 3114 (XXVIII), the General Assembly instructed the Commission of Inquiry "to solicit the co-operation and assistance of the national liberation movement". While the Commission was still meeting in New York, FRELIMO assigned Mr. Sharfudine Mohamed Khan, its observer at the United Nations, to follow the work of the Commission. Mr. Khan met with the members of the Commission at United Nations Headquarters to plan the organization of hearings of witnesses in Africa. FRELIMO co-operated and assisted in bringing before the Commission at Dar es Salaam 6 experts and 32 witnesses.

Correspondence with other organizations, institutions and individuals

28. The Chairman of the Commission of Inquiry sent letters and telegrams to several organizations, institutions and individuals who were deemed to have information on the reported atrocities or who were deemed able to assist the Commission in locating witnesses.

29. The following organizations and institutions were contacted in writing by the Chairman of the Commission:

Amnesty International, London;
Angola Comité, Amsterdam;
Casa di Animazione Missionaria, Rome;
Comité de Desertores Portugueses, Malmö, Paris, Grenoble, Amsterdam
and Arhus;
Committee for Freedom in Mozambique, Angola and Guinea, London;
Fathers of Verona, Rome;
Instituto Español de Misiones Extranjeras, Madrid;
International Defence and Aid Fund, The Hague.

30. The Commission was also in touch with a number of individuals who helped to contact witnesses.

Testimony

31. In the course of its investigation, the Commission of Inquiry heard a total of 69 witnesses and experts, including 3 minors, whose names are given below.

(a) London (8)

Experts

Mr. Martin Ennals, Secretary-General, Amnesty International (A/AC.165/PV.1);

Mr. Peter Pringle, journalist, The Sunday Times (A/AC.165/PV.2 and 3);

Mr. Alan Brooks, Director of Research, International Defence and Aid Fund (A/AC.165/PV.4 and Add.1);

Anthony Morris, Lord Gifford, Chairmen, Committee for Freedom in Mozambique, Angola and Guinea (A/AC.165/PV.5 and Add.1).

Witnesses

Father José Antonio Sangalo (A/AC.165/PV.1/Add.1);

Father José Javier Rotellar (A/AC.165/PV.1/Add.1);

Father Johannes Matheus van Rijen (A/AC.165/PV.3);

Father Antonius Petrus Joseph Martens (A/AC.165/PV.3).

(b) Madrid (12)

Witnesses

Father Miguel Buendia (A/AC.165/PV.6);

Father Alfredo Dias (A/AC.165/PV.6);

Father Julio Moure Cortes (A/AC.165/PV.7);

Father Miguel Perez (A/AC.165/PV.7);

Father Martin Hernandez Robles (A/AC.165/PV.8);

Father Enrique Ferrando Piedra (A/AC.165/PV.8);

Sister Divina Vasques Rodrigues (A/AC.165/PV.9);

Sister Gaudencia Palma Huidobro (A/AC.165/PV.9);

Sister Maria Clemades Prada Rodrigues (A/AC.165/PV.9);

Father Miguel Antoni Granuntell (A/AC.165/PV.10);

Father Mateo Carbonell Rodrigues (A/AC.165/PV.10);

Father Fidel Gonzalez (A/AC.165/PV.11).

(c) Rome (12)

Witnesses

Father Severino Peano (A/AC.165/PV.12);

Father Renato Rosanelli (A/AC.165/PV.12 and 13);

Sister Lina Toffolon (A/AC.165/PV.13);

Sister Regina Bonollo (A/AC.165/PV.13);

Father Valentino Benigna (A/AC.165/PV.14);
Father Mario Pietta (A/AC.165/PV.14);
Father Claudio Crimi (A/AC.165/PV.14);
Father Emilio Franzolin (A/AC.165/PV.15);
Father Vincenzo Capra (A/AC.165/PV.15);
Father Graziano Castellari (A/AC.165/PV.15);
Sister Maria de Carli (A/AC.165/PV.16);
Father Cesare Bertulli (A/AC.165/PV.16).

(d) Dar es Salaam (37)

Experts

Mr. Marcelino dos Santos, Vice-President of FRELIMO (A/AC.165/PV.17);
Mr. Joaquim Ribeiro de Carvalho, Member of the Executive Committee of FRELIMO (A/AC.165/PV.17);
Mr. Sharfudine Mohamed Khan, FRELIMO's observer at the United Nations (A/AC.165/PV.21);
Dr. Slavcho Rajkow Slavov, physician at FRELIMO's Américo Boavida Hospital at Ntwara, United Republic of Tanzania (A/AC.165/PV.20);
Mr. Samuel Rodrigues Dhlakama, head of FRELIMO's Health Department (A/AC.165/PV.20);
Miss Pamela Logie, teacher at FRELIMO's secondary school at Bagamoyo, United Republic of Tanzania (A/AC.165/PV.29).

Witnesses from Mozambique

Cabo Delgado District

Mr. Estevão João Almeida (A/AC.165/PV.17);
Mr. Vicente Joaquim Nanda (A/AC.165/PV.18/Add.1);
Mr. Ibrahim Kunenje (A/AC.165/PV.18/Add.1);
Mr. Alexandre Carlos (A/AC.165/PV.18/Add.1);
Mr. Cridanto Kurbarwa (minor) (A/AC.165/PV.18/Add.1);
Miss Serafina João (minor) (A/AC.165/PV.18/Add.1);
Mr. Ibrahim Fundi (A/AC.165/PV.19);
Mr. Binato Nkwerba (A/AC.165/PV.19);
Mr. Deus Sinão Nanguni (A/AC.165/PV.19);
Mr. Focas Joaquim (A/AC.165/PV.19);
Mr. João Mwenyewe (minor) (A/AC.165/PV.19);
Mr. Oreste Kunarbude Nankoloma (A/AC.165/PV.21);

Mrs. Joaquina José Amisi (A/AC.165/PV.21);
Mr. Ntenga Murwilo (A/AC.165/PV.21);
Mr. Remígio Vapanguile (A/AC.165/PV.22).

Tete District

Mr. Barnabé Vieira Djanassi (A/AC.165/PV.22);
Mr. Palmeira dos Santos Manheira (A/AC.165/PV.23);
Mr. António Mixoni (A/AC.165/PV.24);
Mr. José Chiwira (A/AC.165/PV.24);
Mrs. Ameria Colea (A/AC.165/PV.24);
Mr. John Luiz (A/AC.165/PV.25);
Mr. Zondani Kasolo (A/AC.165/PV.25);
Mr. António Chide (A/AC.165/PV.26).

Manica e Sofala District 5/

Mr. Suete Paulo Sipaene (A/AC.165/PV.26 and 27);
Mr. Francisco Finias (A/AC.165/PV.26 and 27);
Mr. Alone James Bonga (A/AC.165/PV.27);
Mr. Bonifácio Borba (A/AC.165/PV.27);
Mr. Mateus Mapulango Dinis (A/AC.165/PV.28);
Mr. Gasani Ndaluza (A/AC.165/PV.28);
Mr. Two Years Fundizi (A/AC.165/PV.28);
Mr. Chonze King (A/AC.165/PV.29).

Other relevant information

32. The Commission of Inquiry had before it a preliminary working paper, prepared by the United Nations Secretariat, which included as annexes several written reports and statements by various experts. Also in the course of its investigation, the Commission had the opportunity to study other written reports and testimonies brought to its attention by witnesses, experts and the Secretariat.

5/ In 1970 the Portuguese colonial authorities divided Manica e Sofala into two separate districts, namely Beira District and Vila Pery District. See Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 23 (A/8423/Rev.1), chap. VIII, annex I.C.

4. Expression of gratitude and appreciation for assistance
and co-operation

33. The Commission of Inquiry wishes to record its appreciation and gratitude for the co-operation, assistance, courtesy and hospitality it received and enjoyed from the various Governments, organizations, institutions and individuals it had the privilege to contact in the course of carrying out its mandate.

34. The Commission of Inquiry wishes to express its special recognition of the very effective and dedicated co-operation it received from the regular and temporary personnel assigned by the Secretariat to its work in all fields.

III. GENERAL ASPECTS OF PORTUGUESE COLONIAL POLICY

A. Introduction

35. It is the opinion of the Commission of Inquiry that the total spectrum of crime and violence brought to its attention and studied by it originated in colonial policies adopted by the former colonialist Government of Portugal. Hence, it considers that it is important to set down the general trends of Portuguese colonial policy and the conduct of the colonial war in Mozambique in order to fully clarify the analysis of testimony contained in this report.

B. General trends of colonial policy

36. Under the Portuguese Constitution, originally adopted in 1933, Mozambique and all the overseas Territories administered by Portugal were considered to constitute "an integral part of the Portuguese State... united as between themselves and with Metropolitan Portugal" (article 135). ^{6/} Portugal's colonial role was envisaged as an historic mission of colonization based on the diffusion of Portuguese civilization among the population of the Territories.

37. The Portuguese colonialist Government paid no heed to the transformations undergone by other colonial empires in the 1950s. The former Portuguese régime repressed all expressions of nationalist feelings and attempts by the colonial peoples under their administration to organize politically. On the international level, the Portuguese colonialist Government maintained that the "overseas provinces", which were easily recognizable as Non-Self-Governing Territories by most common-sense and current definitions, were an integral part of Portugal.

38. By resolution 1542 (XV) of 15 December 1960, the General Assembly considered that, in the light of the provisions of Chapter XI of the Charter of the United Nations, General Assembly resolution 742 (VIII) of 27 November 1953 and the principles approved by the Assembly in resolution 1541 (XV) of 15 December 1960, the Territories under the administration of Portugal were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. On 19 December 1961, the General Assembly adopted resolution 1699 (XVI), by which, inter alia, it condemned the continuing non-compliance of the Government of Portugal with its obligations under Chapter XI of the Charter and with the terms of resolution 1542 (XV), and its refusal to co-operate in the work of the Committee on Information from Non-Self-Governing Territories. In the following year, the General Assembly adopted resolution 1807 (XVII) of 14 December 1962 by which it reaffirmed the inalienable right of the peoples of the Territories under Portuguese administration to self-determination and independence and upheld without any reservations the claims of those peoples for their immediate accession to independence.

^{6/} Portugal; Political Constitution of the Portuguese Republic, SNI, Lisbon, 1957, p. 36.

39. United Nations efforts to change the position of the Portuguese colonialist Government met with no success. The liberation war broke out in Angola in 1961, followed by increasingly well-organized liberation struggles in Guinea-Bissau in 1963 and in Mozambique in 1964.

40. Constitutional revisions introduced in 1971 by the Portuguese colonialist Government provided for the granting of a certain degree of political and administrative autonomy to the overseas Territories. Although the wording of the new constitutional amendments lessened the rigid colonialist style of the previous constitutional provisions, no change in Portugal's actual colonial policy occurred until the change of Government in April 1974, which resulted in a constitutional amendment laying down the right to self-determination and independence of the overseas Territories (see A/9697, annex).

C. Colonial war in Mozambique

41. As may be seen from the information contained in the annual reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 7/ from 1964 to 1974, FRELIMO grew from small groups operating in the northern part of the Territory, far from the main European settlement areas, into a strong liberation movement in control of large liberated areas and with an army operating in some two thirds of the total area of the Territory, as far south as Vila Pery, near the heartland of European settlement (see annex II to the present report).

42. At a further stage of the colonial war, the civilian population became a victim of increasingly violent repression by the Portuguese colonialist authorities. To prevent the spread of support for FRELIMO among the African population, the Portuguese colonialist authorities adopted a policy of aldeamentos (fortified villages) which, as described by a witness, was an obligatory gathering of people intended to avoid their dispersion and their possible contact with FRELIMO (see A/AC.165/PV.11, p. 8). The policy of aldeamentos and its implementation is discussed below.

43. With respect to military activities, in an attempt to meet the increasing success of FRELIMO, apart from using troops from Portugal, Portuguese colonialist authorities created special units recruited in Africa as part of a policy of Africanization of the war. Units recruited in Africa, described in the reports of the Special Committee, 8/ and also mentioned by witnesses heard by the Commission of Inquiry, included the Grupos Especiais (GE), or special troops; the Grupos Especiais de Paraquedistas (GEP), or special parachute troops; the companhias de comandos or commando units; the Flechas, an auxiliary corps of the intelligence police, the Direcção-Geral de Segurança (DGS) (formerly PIDE); and the special militia corps which co-operated with the Portuguese armed forces in supervising all personnel movements in the aldeamentos.

7/ For the most recent, see Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. X; and *ibid.*, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. IX.

8/ Ibid., Twenty-eighth Session, Supplement No. 23, chap. IX, annex I.C, paras. 85-87 and A/AC.109/L.919, paras. 37-41.

44. By 1973, at least five African companhias de comandos were operating in Cabo Delgado District alone. According to General Kaulza de Arriaga, then Commander-in-Chief of the Armed Forces in Mozambique, this was part of "the progressive integration of Mozambicans into the armed forces".

45. By 1973 there were 60,000 Portuguese troops in Mozambique. In addition, there were between 10,000 and 20,000 Africans recruited into the Portuguese armed forces. 9/ According to official Portuguese sources, in 1973 there were 43,000 armed Africans in Tete District alone, including 2,500 in regular army units, 16,800 who were members of the militia and 2,500 who were members of special groups. 10/

9/ See A/9623 (Part VI), chap. V, annex, appendix I, para. 19.

10/ See Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. IX, annex I.C, para 87.

IV. ANALYSIS OF TESTIMONY

A. Policy of establishing aldeamentos

46. As indicated above, as a means of preventing the African population from participating in the liberation struggle waged by FRELIMO, the Portuguese colonialist authorities introduced a programme of aldeamentos in Mozambique.

47. The aldeamentos are often referred to in English as "fortified villages" or "strategic settlements". They have been described as large villages, often surrounded by barbed wire, in which formerly dispersed Africans were grouped together. Whereas the policy of aldeamentos had been envisaged as part of a counter-insurgency programme in Angola as early as 1961, 11/ it was only introduced in Mozambique in the late 1960s and increasingly intensified from 1969 on. By August 1973, there were already nearly 1 million Africans in the districts of Cabo Delgado, Niassa and Tete regrouped into 895 aldeamentos (see A/AC.109/L.919, para. 42).

48. In the Cabora Bassa area, in Tete District, the policy had a double objective: to free areas which would eventually be covered by the lake and to bring the population under tighter control. In December 1973, a spokesman for the Portuguese Government said that over 40,000 persons had been resettled during the year in the Cabora Bassa area. This figure included 6,010 persons resettled in 4 aldeamentos in Sena; 9,760 in 9 aldeamentos in Caia; and 22,300 in 15 aldeamentos in Barué. In addition, other sources indicated that 3,600 persons had been resettled in 4 new aldeamentos in the area of Chicoa, along the south bank of the Zambezi River. In Estima, 14,000 persons had already been resettled in 14 aldeamentos. 12/

49. An additional 200 aldeamentos were being established in the districts of Vila Pery and Beira as a result of the FRELIMO penetration in those areas. By the end of 1973 it was expected that nearly 1.3 million persons (about 15 per cent of the total population) would be living in aldeamentos (A/AC.109/L.919, para. 42).

50. According to testimony heard by the Commission of Inquiry, the concentration of people in aldeamentos led to very serious problems. There was a clear link between the policy of establishing aldeamentos and the perpetration of massacres and other atrocities committed by the Portuguese colonialist authorities. As indicated by one witness, hunger was one result of this policy, because of the lack of sufficient land for farming. Another common result was the propagation of contagious diseases, owing to the absence of adequate health services (A/AC.165/PV.11, p. 8). The policy gave rise to very strong comments by witnesses who had had an opportunity to view its effects. Some described the aldeamentos as a kind of death camp (A/AC.165/PV.10, p. 16) concentration camp to isolate the people from FRELIMO influence (A/AC.165/PV.16, pp. 33-35). Roman Catholic missionaries had the impression that the Portuguese colonialist authorities wished to let as many Africans as possible die (A/AC.165/PV.14, pp. 72-75). One witness viewed the programme of aldeamentos as a policy to condemn the people to a slow death (A/AC.165/PV.13, p. 16).

11/ For a study of the aldeamentos and other resettlement activities in Angola, see Gerald J. Bender, "The Limits of Counter-Insurgency - an African Case", in Comparative Politics, April 1972 (vol. 4, No. 3) pp. 331-360.

12/ See A/9623 (Part V), annex, appendix II, para. 22.

51. According to one of the Roman Catholic missionaries who spoke before the Commission, when FRELIMO was active in a certain area, that area was declared a 100 per cent war area, and the people were ordered to enter aldeamentos. They were given notice, which varied from 3 to 15 days, to abandon everything and to resettle. If they failed to heed the warning, they were automatically considered "terrorists" and the troops had instructions to kill all of them. According to the witness, this information was obtained from Portuguese military officers (A/AC.165/PV.7, pp. 22-25).

52. Even if the people obeyed and entered the aldeamentos, they were not necessarily safe. In one region studied by Roman Catholic missionaries, when the people moved into aldeamentos some 6 to 8 per cent of the population died. Most of the fatalities were children, the elderly and the sick, because of the unbearable situation with respect to food and health conditions (A/AC.165/PV.14, pp. 72-75). In a report dated 30 August 1971, a group of Roman Catholic missionaries told a meeting of the religious communities in Tete that:

"II. Everybody already knows about the problem of the aldeamentos: the places are badly chosen; the huts are too close one to the other; the compulsory transfer is made too quickly, and in fact is made before the huts are ready. Then there are all the other moral, social and hygienic problems; there is also the problem of the goodwill of those responsible to try to solve these problems" (A/AC.165/PV.12, p. 35).

53. Some witnesses presented specific evidence about the way people were handled in the rush to transfer them to aldeamentos. One expert witness testified that, initially, there were 500 to 1,000 people in each aldeamento. Lately, however, owing to lack of time, 5,000, even 6,000 people had been relocated in aldeamentos near Tete (A/AC.165/PV.13, p. 22). The types of violence engendered by this policy are further discussed below.

B. "Lusitanization" or cultural oppression in Mozambique

54. During four centuries of occupation of the Territory, the Portuguese colonialist authorities paid little attention to the education of the African population. It was only after the process of decolonization had started, particularly after the advent of the struggle for national liberation, that the Portuguese colonialist authorities intensified efforts to expand educational facilities in Mozambique. However, such efforts were not meant to promote the development of Africans in terms of their own culture but, rather, to intensify the imposition upon them of Portuguese culture and society. This policy was perhaps the most flagrant example of the cultural oppression practised in Mozambique.

55. The principal aim of primary education in Mozambique was to teach the Portuguese language, to inculcate Portuguese values and to develop in the pupils a conscious identification with Portugal in order to strengthen national unity. Irrespective of the degree of literacy that children attending rural schools in the African territories might have been expected to achieve, it was evident that much time of the primary school years was spent in inculcating Portuguese values and the Portuguese way of life. This attempt to transform the indigenous population into Portuguese citizens was also carried out in the schools through

obligatory extracurricular activities for which the Mocidade Portuguesa (Portuguese National Youth Organization) was given sole responsibility after its reorganization in 1966. The function of the Mocidade Portuguesa was to stimulate and reinforce patriotism and a sense of national unity, to inculcate moral and social values and to familiarize the young people with "the realities of Portuguese life". 13/

56. The practice of cultural oppression as part of the colonial policy in Mozambique was confirmed by testimony heard by the Commission of Inquiry, particularly that of Roman Catholic missionaries who taught in the mission schools in the Territory.

57. According to one of the missionaries, cultural oppression in Mozambique was carried out through a process called "Lusitanization". He testified that if an African

"... wanted to have a little success he had to give up his own way of life, his cultural habits, his language: he had to speak Portuguese. The instruments for this system were the schools which were entrusted, unfortunately, to the missions. This is one of the reasons why we abandoned this thing. We were forced with a fixed programme. We had to sort of brainwash the students, teach them history and geography of Portugal, while they did not know their own history, their own traditions. They were forced to abandon their own language because, if not, they would be considered savages" (A/AC.165/PV.16, p. 27).

The witness also stated that:

"... much has been said about racial integration in Portuguese propaganda. I am known everywhere because I spoke out against racial integration because it was a farce. Racial integration was only done with photos, taking photographs of a black woman and a white woman in two beds in a hospital ward, taking photos of black people with a white person in a local market, stating that black people have the right to enter all schools. That was a written right, but they encountered difficulties in all fields, especially in the financial field because a black person did not have the means to pay at the schools. When you go to high school you need about 20,000 or 25,000 lira and the father earns 6,000 lira a month. How can he pay for his son to go to school? Very few were able to finish high school. Those were black people who had been helped either by the missionaries or by foreign companies that were in Mozambique. I think racial integration was a complete farce of Portuguese propaganda. There was genocide of the culture and traditions of the people of Mozambique" (A/AC.165/PV.16, p. 31).

58. Particularly illustrative is the following passage quoted by another witness from a report entitled "Um imperativo de consciência" which was prepared by the Bishop of Nampula together with the Fathers of the Order

13/ See Official Records of the General Assembly, Twentieth Session, 1965, Annexes, addendum to agenda item 23 (Part II), document A/6700/Rev. 1, para. 1.

"The Church in Mozambique cannot renounce the right to proclaim the will to promote the individuality and personality of the people. Until such time as the rights of all peoples to self-determination and independence are attained there can be no true and lasting peace, although the force of arms could temporarily overpower the opposition.

"The fundamental rights that we are proclaiming for the people of Mozambique are the following:

"The right to develop their own culture - and this is in contradiction to Missionary Statute No. 68 which provides that its programmes will take into account the complete nationalization - which is tantamount to the complete Portugalization - of the Territory.

"The second right is that of free association and free expression, which the people do not have. They do not have the right to express their own ideas if they do not accord with those of the Government; and those who do thus live under constant fear, the objects of repression, arbitrary imprisonment, torture and detention without trial, especially by members of the DGS" (A/AC.165/PV.11, p. 4).

C. Cabora Bassa project

59. Many of the incidents brought to the attention of the Commission of Inquiry took place in the district of Tete and, as the Cabora Bassa area occupies a central part of that district, the Commission finds it useful to summarize some of what is known about the great dam and electric power project at Cabora Bassa.

60. The Cabora Bassa project, based on an agreement whereby Mozambique will provide South Africa with a new source of hydroelectric power, is the largest single, internationally-financed scheme in southern Africa. The project comprises three parts: the conservation dam and works to be erected on the Zambezi River in Tete District in Mozambique, the hydroelectric power station and ancillary works for the generator and the supply of electricity; and the transmission system to deliver power from Cabora Bassa to the Apollo distribution station at Irene, outside Pretoria in South Africa. 14/

61. Since it was clear that for many years to come Mozambique would not be able to use all the power expected to be generated by the power station, the Portuguese Government decided to proceed with the construction of the dam only after it had secured a purchasing agreement with the Electricity Supply Commission of South Africa (ESCOM).

62. The contract for the construction of the Cabora Bassa dam was awarded to a transnational consortium called Zamco-Zambeze Consórcio Hidroelétrico, Lda. As of early 1974, the Zamco consortium was reported to include companies established in France, the Federal Republic of Germany and South Africa. Apart from the

14/ Ibid., Twenty-fifth Session, Supplement No. 23 A (A/8023/Rev.1/Add.1), annex, appendix III.B, para. 154 et seq.

members of Zamco, other companies established in Canada, France, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America have participated in the Cabora Bassa project through the granting of credits and the supply of materials or services. 15/

63. From its very beginning the Cabora Bassa project has been viewed by several bodies as an attempt to entrench white rule in southern Africa. FRELIMO considered the project as a comprehensive economic and political scheme to ensure white domination and colonialist rule in southern Africa and viewed the involvement of foreign capital in Cabora Bassa as a hostile act against the people of Mozambique. FRELIMO announced its determination to disrupt the construction of the dam.

64. Early in 1970, the Ministerial Council of the Organization of African Unity (OAU) adopted a resolution condemning the Cabora Bassa project, and the Political Committee of OAU adopted a recommendation calling on African countries to re-examine their relations with countries and private firms involved in the project. In the same year, the General Assembly adopted resolution 2703 (XXV) of 14 December 1970, whereby, inter alia, it condemned the construction of the Cabora Bassa project and requested the colonial Powers and States concerned, whose companies were participants in the construction of the Cabora Bassa project, to withdraw their support from the scheme and put an end to the participation of their companies in the project. Subsequently, Italian, Swedish and United Kingdom companies withdrew from the Zamco consortium. However, despite repeated requests by the General Assembly, none of the other States referred to in paragraph 62 above have put an end to the participation of their companies in the project.

65. The following quotation is taken from a report prepared by a Roman Catholic missionary who served in the Cabora Bassa area and was expelled from Mozambique by the Portuguese colonialist authorities:

"The Cabora Bassa has been turned into a veritable fortress: the dam has been encircled with a double barbed wire fence four metres wide, and completely mined; it is of a circumference of 60 kilometres, with a diameter of 8 kilometres, from which there is only one exit.

"Along the whole circumference there are five companies of Portuguese troops: two companies of artillerymen, two infantry groups and one group of engineers. This is in addition to a police force of 200 men and an unknown number of DGS men" (A/AC.165/PV.11, p. 7).

66. Some of the testimony received by the Commission of Inquiry indicates that South African troops operated in the area of the Cabora Bassa project (A/AC.165/PV.16, pp. 51-52). The former Portuguese intelligence police (DGS) were very active in the Cabora Bassa area with the objective of eliminating infiltration by FRELIMO.

67. Several atrocities reportedly took place in the Cabora Bassa area as part of what was described as a policy to create a kind of "dead" area around the dam. A Roman Catholic missionary who served in the Estima area told the Commission that the group of aldeamentos around Songo in the Cabora Bassa area was called a "human

15/ A/9623 (Part V), annex, appendix II, table 7.

barrier for the defence of Cabora Bassa'. The same witness said that the Cabora Bassa project represented a sort of banner for the Portuguese Government. The Government had committed the companies involved to co-operate not only economically but also indirectly in the military defence of the Territory so that, in a certain way, by defending the dam, one defended Portugal's colonial policy (A/AC.165/PV.12, p. 23, and PV.13, p. 6).

68. The witness indicated in his report that implementation of the project had led to the practice of forced labour and other violations of human rights. He reported that, within the barbed-wire area, there were 17,000 people working of whom only 5,000 were white. The white people lived in two areas in houses built by the Zamco Company or the Portuguese colonialist authorities. Some 12,000 Africans lived in camps built for them. There were four camps for the natives of the area, who could have their families with them, and five camps for men whose families were in other areas of Mozambique. The workers could not voluntarily leave the fortified area to visit their families. Those who came from other areas of Mozambique were given an 11-month contract, upon expiration of which they were forced to leave the Cabora Bassa area; consequently they did not acquire the right to bring their families into the camp. According to the missionary, this separation of workers from their families provoked human and moral problems. Among other things, as a result of the isolation of these men, there was an alarming amount of homosexuality in the camps (A/AC.165/PV.11, pp. 7-8).

D. Types of violence brought to the attention of the Commission

69. In the course of its investigation of the reported massacres in Mozambique, the Commission of Inquiry was presented with evidence on various types of violence perpetrated against the population of the Territory. The evidence collected appears to indicate a certain pattern by the colonial troops. The types of violence described in written and oral testimony ranges from the frequent practice of torture to massacres involving the elimination of the whole population of certain villages. Among those described were numerous cases of murder, mass murder and destruction of property, often accompanied by other kinds of atrocities such as rape and the disembowelment of pregnant women.

1. Torture

70. As indicated by one witness, torture was frequently carried out in order to obtain confessions or information about FRELIMO (A/AC.165/PV.16, pp. 8-10). It occurred in prisons and government offices as well as in villages or in the bush (A/AC.165/PV.7, p. 71; A/AC.165/PV.16, p. 11; PV.12, p. 31). One Roman Catholic missionary told the Commission of Inquiry that, when he was interrogated in the offices of DGS, the instruments of torture which he saw included: the cavalo-marinho (sea-horse), a whip made of hippopotamus skin, the palmatória, a piercing ferrule, and whips made of bicycle tires. Other witnesses confirmed the use of these tools and also mentioned needles and apparatus for the administration of electric shocks.

71. A missionary who had served in the Mucumbura area told the Commission about a case of torture involving people whom he knew. According to his testimony, in the Chingao village, near Mucumbura, the colonialist troops tortured two men to find

out if they knew any FRELIMO men and what kind of relationship they had with FRELIMO. Under torture, one man revealed that he had a nephew who belonged to FRELIMO (A/AC.165/PV.8, pp. 3-6).

72. Another missionary told the Commission about a man who was beaten for five days, each day for an hour. When the missionary was allowed to help him, the man was mentally disturbed and physically unable to move. He had been tortured because he had gone on vacation some 25 kilometres away from the factory at Tete where he worked, and the police thought that he had been trying to make contact with FRELIMO (A/AC.165/PV.7, pp. 56-57).

73. A missionary who served in the Cabora Bassa area gave the following written testimony:

"The police would pick people up for the slightest reason to find out if they had any connexion with the guerrillas and would torture them. For example, they were hung upside down by the feet and beaten until they confessed. Sometimes electric shock torture was used on the genitals, and sometimes other torture was used. At times people succumbed and died under torture (A/AC.165/PV.11, p. 11).

74. Two witnesses told the Commission about four young Africans who were arrested in June 1972 by the Portuguese police while trying to flee to Malawi. They were tortured over a period of five months. One of them was forced to beat his companions until they told the colonialist authorities what they wanted to hear about the activities of Roman Catholic missionaries at Vila Pery, Murraça and Inhangoma. The statements resulting from the torture were used as the basis for the interrogation of three missionaries (A/AC.165/PV.6, pp. 32-35; PV.7, pp. 12-15).

75. One missionary reported that he had witnessed the beatings received by some of his African students. According to his story, Africans were often interrogated, punished and kept in gaol for several days. DGS agents used to carry out buscas (searches) in the middle of the night. One African teacher from his mission was kept in gaol for nine days with practically nothing to eat. He was not allowed to wash and was given electric shocks and other brutally inhuman punishments because of a letter which he had received from one of his students. According to the witness, this type of torture was common and frequent (A/AC.165/PV.6, pp. 7-10).

76. Further evidence of torture for the purpose of intimidating the population was provided by witnesses heard in Dar es Salaam. Mr. Bonifácio Bomba, a farmer from the village of Kanyenze, Mungale post, in Manica e Sofala, told the Commission that in the village of Kuedza, in the same region as his village, Portuguese troops had arrested some people, beaten them and cut their backs. The people were then instructed to enter an aldeamento, and the troops returned to their posts (A/AC.165/PV.27, p. 51).

77. Mr. Mtenga Mumwilo, an old man from the village of Malunzu in the area of Nangade in Manica e Sofala, told the Commission that in 1964, Portuguese troops came to his village and killed his three sons. The troops ordered him to dig a hole to bury his sons and then forced him to lie down in the hole while they laughed at him and placed the barrels of their guns against his chest. He was then ordered to fetch the bodies and bury them (A/AC.165/PV.21, pp. 61-66).

78. According to one witness, on one occasion the Portuguese police recorded on tape the confession of a man who had been tortured and was being kept in gaol. Afterwards, the police questioned the missionary who had heard the confession for some six hours (A/AC.165/PV.11, p. 12). Another missionary testified that he had suffered what he called "psychological pressure" when he was questioned by the Portuguese authorities for eight and a half hours without a break (A/AC.165/PV.12, p. 4).

2. Murder and mass murder

79. According to testimony heard, people often died as a result of torture or were summarily executed by Portuguese troops or agents of DGS. Some of the murders were committed in a most barbaric way. People were killed because they were suspected of co-operating with FRELIMO or because they had resisted moving into aldeamentos. There were, however, many instances of murder without an apparent motive.

80. Apart from isolated killings, evidence was brought to the attention of the Commission of Inquiry concerning several cases of mass murder perpetrated by colonial troops in the Territory. The Commission defines mass murder as multiple killings and systematic decimation of the civilian population which cannot be characterized as massacres.

81. Individual and mass murder were reported from several districts in Mozambique, notably, but by no means exclusively, from the districts of Cabo Delgado, Tete and Beira.

Cabo Delgado District

82. In Cabo Delgado, most of the reported atrocities took place in the highland areas of Macondes (Mueda) and Palma (Nangade), in the northern part of the district, near the frontier of the United Republic of Tanzania.

83. According to testimony received by the Commission of Inquiry, there were a number of such incidents in the area of Macondes, particularly in the years 1971-1973. Most of the incidents conformed to a special pattern: a village would be surrounded and attacked by troops, and those inhabitants who failed to escape would be killed.

84. In this way 4 persons were killed and 1 was wounded in the hamlet of Nikwati on 10 April and in August 1972 (A/AC.165/PV.18/Add.1, pp. 5, 16-21, 30); 12 persons were killed in the hamlet of Amisi and two other hamlets in the locality of Nombue, south of the Miteda post on 30 August 1973 (A/AC.165/PV.19, pp. 40-41, 46-51), 5 persons were killed in the hamlet of Njini on 5 September 1973 (A/AC.165/PV.18/Add.1, pp. 66 and 82-87); 11 persons were killed in the village of Lukanga on 9 September 1973 (A/AC.165/PV.21, pp. 36, 41, 46-54 and 57-61); and 10 persons were killed in a village in the area of Aly in November 1973 (A/AC.165/PV.17, pp. 23-25).

85. Eleven schoolchildren were machine-gunned from a helicopter near the FRELIMO

school at Matambalala on 10 October 1973 (A/AC.165/PV.17, p. 26 and PV.18/Add.1, pp. 62-82, 87-93) while running for shelter with a group of FRELIMO militia men. 16/

86. A witness from the area of Palma (Nangade) testified to a particularly ugly incident which took place in 1964. His three adult sons, who were unarmed, were shot in his presence. One of them did not die immediately and was subsequently strangled (see also para. 77 above). Other incidents in the same area, which cost 26 villagers their lives, took place at Mchakadela in 1971 (A/AC.165/PV.19, pp. 2-20) and at Nankutu and another hamlet in 1972 (A/AC.165/PV.18/Add.1, pp. 41-61). These incidents could be attributed to the mistaken belief of the Portuguese troops that the hamlets were FRELIMO centres; however, some of the details related to the Commission by witnesses defy this explanation. At Mchakadela, 10 women had their throats cut. Subsequently, the wombs of 3 of the women, who had been pregnant, were cut open and the fetuses taken out and roasted on sticks. The same kind of atrocity was also perpetrated at Nankutu.

87. The Commission also heard testimony concerning an attack on a FRELIMO hospital at Mapuedi, in the area of Mocimboa da Praia (Muidumbe) on 12 September 1973. Among the 10 people killed were four FRELIMO soldiers who were at the hospital for treatment (A/AC.165/PV.17, p. 26; PV.19, pp. 21-36, 41-46 and 51-55).

88. An incident of a somewhat different kind was the bombing of the hamlet of Mapale, in the area of Macomia, on 18 March 1972. Twelve persons, all civilians, including three women and two children, were killed by a bomb which hit an air-raid shelter (A/AC.165/PV.18/Add.1, pp. 4-5, 11-16 and 22).

89. The Commission did not have an opportunity to investigate information concerning the deaths of many persons of the Makua tribe, who had been forcibly displaced from Macondes to an island near the island of Ibo (A/AC.165/PV.15, pp. 22-32).

Tete District

90. Tete District was the scene of the reported massacres which led to the establishment of the Commission, but it had also been the scene of a number of other serious incidents. Different patterns may be distinguished in different parts of the district.

91. In 1971, in the Magoe circumscriçãõ, which includes Mucumbura post, there were a number of raids which Roman Catholic missionaries have referred to as "the four massacres in Mucumbura".

92. The first raid was staged between 3 and 8 May 1971 and was apparently intended as an effort to search and eliminate FRELIMO elements in the area, in particular in the chiefdom of Bucho (Buxo) in the eastern part of Mucumbura. Troops under the leadership of an agent of DGS visited the villages of Chingao, Capinga, Catacha, Mahanda, and António (Carue or Nakarue). In each village, the troops tried to find out whether the inhabitants knew the whereabouts of or had any connexion with FRELIMO elements. On 5 May, in Chingao, one man, Aroni, was killed after being

16/ FRELIMO militia men should not be confused with FRELIMO fighters (soldiers). The militia men were responsible for the protection of the civilian population.

forced to admit that he had a nephew in FRELIMO. During the night of 6 May and the morning of 7 May, 14 farmers were killed in Capinga-Catacha. According to one villager, who managed to get away, the 14 victims were tortured and killed with sticks and axes - literally hacked to pieces - in the process of trying to obtain information from them concerning FRELIMO bases and weapons. Seven workers were killed at Mahanda for the same reason. At António (Carue, Nakarue), five prisoners who were waiting to be transferred to Mucumbura for questioning were killed after their guards learned that a Portuguese truck loaded with soldiers on its way to Mucumbura had fallen into a FRELIMO ambush (A/AC.165/PV.8, pp. 3-16, 46, 53-55, PV.10, pp. 3-11, 14-17, 23-27, 31, and PV.25, pp. 6-15, 16-27, 32-43).

93. The second raid took place in September 1971 and was apparently carried out by Southern Rhodesian troops, operating from the Southern Rhodesian side of the frontier. At Deveteve they killed three boys, and at Mandué one man, David Jorge, who had been one of the teachers in the Mucumbura mission. At Singa the headman, Singa, three women and five children were killed as they came into the village. At Veremo, five or more persons were killed, five corpses being transported by helicopter to the post of Mucumbura. The Southern Rhodesian troops thus left at least 18 corpses in their wake (A/AC.165/PV.8, pp. 16-21, PV.9, pp. 7-11).

94. The third raid occurred in the area around the Daque River, north of the Mucumbura area, in October-November 1971. A number of villages were affected by this raid, which was carried out by the Grupos Especiais. Again the purpose was to search for and eliminate FRELIMO elements. A former schoolmaster in the village of Daque, Damião Conga, was tortured and cruelly killed in front of his family. One person was killed at Guanzeu (Guanzébe); three at Capembesunbe; seven at Traquino; and three in another village. According to the testimony of a Roman Catholic missionary, most of the deaths resulted from torture inflicted in attempts to obtain information about FRELIMO (A/AC.165/PV.8, pp. 21, 32-35; PV.9, pp. 11-12; PV.12, pp. 20-21; and PV.13, pp. 7-11).

95. The fourth raid was directed against the village of António (Carue, Nakarue) in the Mucumbura area. This village was apparently a FRELIMO stronghold, or near a FRELIMO stronghold. On 5 November 1971, a company of commandos was sent into the area to "clean it up". Although the population had been forewarned, the troops found a group of women and small children and interrogated them about FRELIMO. In the end they forced 5 women and 11 children into a hut and threw grenades into it, killing all but one of the women, who managed to get away. A family of five (father, mother and three children) and two young men were also captured and killed at António (A/AC.165/PV.8, pp. 22-30, 32-35, 53-55, and PV.9, pp. 12-16).

96. Two incidents, causing many more deaths, apparently took place in the Mucumbura area in 1972 and 1973; these will be dealt with in section 3 below.

97. The Commission also received testimony about two raids by Southern Rhodesian soldiers in the Mucumbura area in 1973, which caused at least three deaths. One of these raids, which took place on 16 October 1973, was directed against the FRELIMO central hospital for the area (A/AC.165/PV.23, pp. 11, 21-26).

98. In the Cabora Bassa area, a number of persons were killed, but in that case the pattern was different. Witnesses testified concerning the arrests and subsequent killing of the prisoners. Frequently the deaths resulted from torture, or prisoners could be ordered "to show the way" into a forest, from which they

never returned. A Roman Catholic missionary named 10 victims at Chicó during the years 1971-1972. There may have been more. The same witness also named 4 persons who died in similar circumstances at Estima in 1971, apparently at the hands of the agents of DGS (A/AC.165/PV.12, pp. 19, 24-38).

99. According to another missionary, "many persons" died at Songo as prisoners of DGS (A/AC.165/PV.14, p. 76). Near Chinhanda, at least 8 persons were actually killed on different occasions in 1971-1972 (A/AC.165/PV.12, pp. 21-24). At least 12 persons were killed over a period of four months in 1971 in the Matsatsa area of Macanga (A/AC.165/PV.14, p. 71; PV.15, pp. 3-4, 8-10, 21).

100. In the area of Angónia, near the Malawi frontier, the pattern was apparently much the same as in Cabo Delgado District. According to a witness, a number of villages near the Domué post (Comandante Brito) were visited, at some time or another, by members of the Grupos Especiais or some other troops, who would ask the inhabitants if they knew anything about FRELIMO, accuse them of lying if they answered in the negative and start to kill persons indiscriminately.

101. In the Chiefdom of Chide, 21 persons were thus killed in the village of Mkaliwafa on 20 December 1971. In 1972, 35 persons were killed at Cachico on 15 January, and 7 men were burned to death and some women raped at Polichi on the same day. On 10 March, at Chiuaió (Dziweye), a pregnant woman was forced to lie down on the ground; she died from having her stomach cut open and the foetus pulled out. The other villagers, including men, women and children, were forced into the houses, which were then set on fire. According to the witness, 90 persons died at Chiuaió. At Birimoni, three persons were killed on 15 April and the village chief was later killed at DGS headquarters in Tete. On 10 May, troops attacked the village of Kalulu and killed 24 persons, most of whom were burned to death in a hut. On 14 June, 10 men from the village of Fumulani were killed with bayonets at a meadow near the Chivomozi River. Six men, who were suspected of having given food to FRELIMO, were taken from the village of Chirize on 28 July, brought to the administrative post and killed. On 22 December, 3 persons were killed at Silia, 1 in Bunongue and 3 in Gasten, the last-mentioned village being situated in the Chiefdom of Jale. According to the witness, a total of 203 persons were killed in the Domué area in Angónia between 20 December 1971 and 22 December 1972 (A/AC.165/PV.26, pp. 3-41, 46-47, 53-65, 72-72).

102. In the area of Moatize there were a number of similar attacks on villages accompanied by the killing of the inhabitants. Some of those incidents will be considered in section 3 below.

103. The concelho of Tete was the scene of the reported massacres which prompted the creation of the Commission of Inquiry, but there were also other atrocities involving individuals or small numbers of persons.

Beira District

104. Most of the reported atrocities in Beira District occurred in 1973, some even as late as in the first months of 1974.

105. One witness told the Commission how, on 14 June 1973, he returned from a nearby shop to the hamlet of Jombo, in the Boeza area, to find nearly all of his

family killed by Portuguese troops, namely his brother, his sister-in-law, two of their children and one of his own children (A/AC.165/PV.26, pp. 86-91).

106. A similar incident took place at Kaposi, in the area of Mangale, on 26 October 1973. Fifteen persons were forced into a hut and burned to death. The witness who testified about this event lost his wife and their 4 small children (A/AC.165/PV.29, p. 6).

107. In November 1973, 7 persons were killed in or near the village of Nhamsolo in the Boeza area (A/AC.165/PV.27, pp. 17-20).

108. Among the other atrocities perpetrated in the early part of 1974 was the killing of 2 men in February in the village of Malura (A/AC.165/PV.26, p. 96). As late as 6 April, 6 persons were killed in Boeza (A/AC.165/PV.27, p. 13).

Other districts

109. The Commission of Inquiry also heard testimony concerning the killing of civilians in the districts of Vila Pery, Niassa and Zambézia. It is thus clear that atrocities were not confined to Cabo Delgado, Tete and Beira.

110. Testimony was also given concerning an especially serious incident at Vila Pery. In the second half of 1973, FRELIMO health personnel received information about an outbreak of cholera in the area of the district under FRELIMO control. However, the epidemic, if an epidemic it was, stopped quite abruptly. There were also other indications that the deaths - more than 1,000 - could not have been caused by cholera. There was strong suspicion that the deaths may have resulted from water poisoning, which might indicate a policy of genocide. In Tete District, Southern Rhodesian troops were seen carrying pure water in small tins for their consumption. Also in Manica and Sofala, Portuguese troops were travelling with big tins of water, something they had never been seen doing before. Dr. Slavcho Slavov, a medical doctor at the FRELIMO hospital, testified that he was certain that the deaths had not resulted from an epidemic of cholera, but rather from the poisoning of the water sources of the few wells in those districts (A/AC.165/PV.20). Although the circumstances reported to the Commission were quite remarkable, the Commission could not reach any conclusion on this matter.

3. Massacres

111. A number of the atrocities brought to the attention of the Commission of Inquiry involved large numbers of people and, in fact, amounted to the virtual extinction of entire villages.

112. The earliest massacre mentioned by witnesses was reported to have occurred in the town of Mueda, in the district of Cabo Delgado, on 16 June 1960. According to testimony received, 500 persons were killed. The evidence, however, was second-hand, and the details so sparse that the Commission could not reach any conclusion with respect to the alleged atrocities (A/AC.165/PV.16, pp. 16, 31-35).

113. The Commission also heard testimony concerning a massacre perpetrated in Cabo Delgado District in 1965. A survivor told the Commission how 59 persons, including men, women and children, were burned to death in the village of Mutanga, in the area of Macomia, on 2 January 1965. In a neighbouring village, 26 persons were reportedly shot at the same time (A/AC.165/PV.17, pp. 51-55, 57-67).

114. In Tete District, a massacre took place in villages near Zambué, in the area of Zumbo, in 1966. This testimony was also second-hand but precise enough to be trustworthy. The Portuguese troops arrived on foot, and the FRELIMO militants in the area managed to escape. As the troops entered one of the villages, they killed the Headman and, when the villagers began to flee, they fired at everyone in sight. The number of victims is not known (A/AC.165/PV.14, pp. 6-7).

115. One witness gave detailed information about the killing of 55 persons, on 15 March 1968, at a place called Mphadwe, just outside the village of Bene, in the circunscricao of Bene, Tete District (A/AC.165/PV.25, pp. 43-94).

116. The Mucumbura area was the scene of the "four massacres" in 1971 (see paras. 91-95 above) but witnessed even more fateful events in 1972 and 1973.

117. A Roman Catholic missionary was allowed to tour the area in 1972 and was able to verify what had taken place. On or about 16 March 1972, Portuguese and Southern Rhodesian troops killed 78 persons in the village of Zambeze, 30 in Mponda, 38 in Deveteve and 38 in Chimandabue. Within an area of 20 or 25 kilometres, everything was destroyed: dwellings, bicycles, radios, food-stuffs (A/AC.165/PV.8, p. 81).

118. According to one witness, another massacre was committed in the village of Chinyerere in September 1973. Of a total population of 58, 31 persons were killed (A/AC.165/PV.24, pp. 77-85).

119. The killing of 90 persons in the village of Chiuajo, in the area of Angónia (see para. 101 above), also amounts to a veritable massacre.

120. The Commission heard testimony concerning a massacre at Cambeue, near Moatize, also in Tete District. In September-October 1971, more than 300 persons were shot or burned alive, and all their dwellings were destroyed by fire (A/AC.165/PV.10, p. 37).

121. Several missionary priests and nuns as well as some local people testified about the massacres in the Chiefdom of Gandali, in the villages of Chawola, João and Wiriyamu. Inasmuch as representatives of the former régime in Portugal had even denied the existence of the village of Wiriyamu, the Commission considered carefully the question of the existence of the village. According to the testimony, a roster of the school-age children from Wiriyamu, also known as Viliano Valete, had been compiled and the establishment of a new school there had been under consideration. Roman Catholic missionaries had visited the village before the massacre occurred. The Commission was consequently able to confirm the existence of the villages of Chawola, João and Wiriyamu situated in a triangle formed by the highway leading south from Tete towards Changara, and the Zambezi and Luenha Rivers. By road and jungle path, the distance from Tete to the site of the villages is about 25 kilometres. Wiriyamu was a relatively large village, with at least 200 inhabitants; Chawola was somewhat smaller and João was much smaller.

122. A few days before the massacres, a Portuguese cattle dealer informed the villagers that there would be a cattle fair at Wiriyamu on 16 December 1972. As a result, a number of people gathered in the village of Wiriyamu with their cattle. The cattle dealer did not show up. Instead, the villagers were surrounded by troops led by DGS agents. At Wiriyamu, most of the people were forced into dwellings, which were set on fire. At the same time, planes flew over the village

and dropped bombs or machine-gunned the villagers. A witness who had remained with his cattle outside Wiriyamu, saw what was happening and fled.

123. In Chawola, people were lined up and shot. Their bodies were thrown into a heap and set on fire. A boy, António Mixioni, who had only been wounded, regained consciousness and was able to crawl away from the burning pile of corpses. He appeared before the Commission and gave detailed and convincing testimony about his experience. Roman Catholic missionaries subsequently visited the village sites and were able to establish what had happened (A/AC.165/PV.1/Add.1, pp. 6-66; PV.22, pp. 22-36; PV.23, pp. 6-11; and PV.24, pp. 6-65).

124. The most recent massacres on which the Commission heard testimony took place in and around Inhaminga, Beira District, in March 1974, and cost more than 200 lives (A/AC.165/PV.3, p. 6).

4. Destruction of property

125. Another type of violence brought to the attention of the Commission of Inquiry was the looting and destruction of property by Portuguese troops. There were many references in the testimony to looting and destruction of property, particularly in connexion with the forced resettlement of Africans into aldeamentos.

126. For example, Mr. Zondani Kasolo, a witness from the Macanga area of Tete District, told the Commission that the inhabitants of Chule, had been ordered to enter the aldeamento at Tembwe but had run away instead. Portuguese troops entering the village and finding no one had burned the granaries and taken away their animals and other property, including money which the witness had left in his house (A/AC.165/PV.25, pp. 51-56).

127. The testimony of Roman Catholic missionaries who served in the Territory also confirmed that, prior to taking villagers to aldeamentos, the troops destroyed their houses and property. There were frequent references by the witnesses to whole villages being burned down before new dwellings were built to accommodate them.

E. Responsibility for reported violence

1. Role of Portuguese troops

128. In assessing the situation prevailing in Mozambique, the presence of the Portuguese Army cannot be ignored. The evidence collected by the Commission of Inquiry appears to indicate that massacres and other related cases of violence in Mozambique were carried out mostly by DGS and by special troops, particularly the Grupos Especiais (GE), the Grupos Especiais de Paraquedistas (GEP), the Flechas, and the commandos (see para. 43 above).

2. Participation of Southern Rhodesian troops

129. Several witnesses testified concerning the participation of Southern Rhodesian troops in massacres in Tete District. Mr. Alan Brooks of the International Defence and Aid Fund testified that the illegal régime in Southern Rhodesia was responsible

for the first wave of massacres in the Mucumbura area which lies on both sides of the border between Mozambique and Southern Rhodesia (see paras. 93 and 97 above). Mr. Brooks said further that Mr. Ian Smith had confirmed that his régime had an understanding with the Portuguese Government on the so-called right of "hot pursuit", that was to say, that his régime regarded it as legitimate for the Portuguese troops to enter Southern Rhodesian territory in pursuit of guerrillas or civilians who supported guerrillas and vice versa (A/AC.165/PV.4/Add.1, pp. 7-10).

130. The participation of Southern Rhodesian troops was also mentioned in the testimony of several Roman Catholic missionaries heard by the Commission in London, Madrid and Rome (see particularly A/AC.165/PV.1/Add.1, PV.8-10 and PV.15), and was confirmed by witnesses heard in Dar es Salaam.

131. Among others, Mr. Palmeira dos Santos Manheira, a witness heard in Dar es Salaam, confirmed the participation of Southern Rhodesian troops in his account of the massacres at Mucumbura (see para. 97 above). Mr. John Luiz, a witness from the Mucumbura region, told the Commission that, in 1972, Southern Rhodesian troops had killed a man called Inoki and his three children in the village of Detea. Afterwards, the same Southern Rhodesian troops went to the village of Tsaitsai where they killed the witness' grandfather Luiz and his uncle Makhaza (A/AC.165/PV.25, pp. 11-15).

3. Role of higher Portuguese authorities

132. Several witnesses were of the opinion that the troops who perpetrated the massacres were simple instruments, and that final responsibility lay at a higher level. One Roman Catholic missionary who had spent many years in the Territory testified that,

"In some cases we can see that the massacre goes back to high above or at least that the authorities knew very well about them. To say that all the massacres go back to high authorities would be too much, because I have also met Portuguese soldiers belonging to lower levels, and sometimes they shoot because they are desperate or afraid. But massacres such as the Wiriyamu massacres do not belong to individual initiative. They go back to high above" (A/AC.165/PV.16, p. 62).

133. In his testimony, Mr. Alan Brooks said that, if one viewed the atrocities as being related to the policy of aldeamentos, the responsibility for the atrocities did not rest with any particular administrator or military commander, but rather with those who framed the policies (A/AC.165/PV.4/Add.1, pp. 7-10).

134. Miss Pamela Logie, an expert who prepared the booklet Terror in Tete for the International Defence and Aid Fund, summed up the opinions of several witnesses on the role of higher Portuguese authorities. According to Miss Logie, a substantial amount of responsibility for what happened in the Territory rested with the military command in Mozambique. The Commander-in-Chief of the armed forces at the time of the massacres in Tete District, was in Tete soon afterwards. The policy of aldeamentos had been closely identified with that Commander-in-Chief, as was the introduction and training of special troops. As stated by many witnesses, the massacres were common knowledge in Tete. The massacres were a responsibility of the Portuguese Government, an integral part of its colonial policy. There was a chain of responsibility from the lower echelons, those who perpetrated the

massacres, to the top. But ultimately, responsibility rested with the Portuguese Government (A/AC.165/PV.29, pp. 22-25).

135. Thus, it appears from the evidence before the Commission, that the basic responsibility for the massacres and other atrocities lies in the colonial policy adopted by the former fascist régime of Portugal.

F. Consideration of the atrocities reported in the light of relevant international conventions, particularly the Convention on the Prevention and Punishment of the Crime of Genocide and the Red Cross conventions

136. Portugal's protracted military suppression of the population of Mozambique has been condemned by the United Nations and was in direct defiance of a number of resolutions of the General Assembly of the United Nations, particularly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples.

137. In that resolution, the General Assembly declared that the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations and was an impediment to the promotion of world peace and co-operation. It further stipulated that all armed action or repressive measures of all kinds directed against dependent peoples should cease in order to enable them to exercise peacefully and freely their right to complete independence.

138. Under Articles 55 c and 56 of the Charter of the United Nations, all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of, inter alia, universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

139. A proclamation of human rights as contemplated in Article 55 c of the Charter has been established by the Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) of 10 December 1948.

140. There can be no doubt that the massacres and other atrocities described in this report are inconsistent with the provisions of a number of articles of the Universal Declaration of Human Rights, to wit:

(a) Article 3, which refers to the right to life, liberty, and security of person,

(b) Articles 6 and 7, which refer to the recognition as a person before the law, and to the entitlement to equal protection of the law; and

(c) Article 13, paragraph 1, which refers to the right to freedom of movement and residence within the borders of each State.

141. The Commission cannot see that articles 29 and 30 of the Universal Declaration of Human Rights authorize any limitation of any of the above-mentioned rights and freedoms applicable to the present case.

142. The definition of genocide in article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 17/ is a difficult one. It speaks of acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such.

143. From the testimony received by the Commission, it appears that the massacres were carried out by Portuguese forces with a view to deny FRELIMO units the aid and comfort of the people in the villages.

144. There is no hard evidence to the effect that the Portuguese authorities intended to decimate the native population of Mozambique irrespective of the war situation. There is thus a difference between the Portuguese actions and that prototype of genocide, the Nazi extermination of the Jews. Yet, the fact remains that certain actions, such as the massacres in the Chiefdom of Gandali (Chawola, João and Wiriyamu) were directed against a national, ethnic and racial group as such and were carried out with the intent to destroy it in part, that is to say to the extent considered "necessary" in order to hamper the operations of FRELIMO. Even if the goal was conditioned by the special situation in which the Portuguese authorities found themselves after FRELIMO had started its armed struggle to free Mozambique, it would seem that the Portuguese actions satisfy the criteria of the general part of the definition. The Commission of Inquiry consequently deems that if the killing of the people of the villages, as described in this report, does not constitute genocide as contemplated in article II (a) of the Convention on the Prevention and Punishment of the Crime of Genocide, it comes very close to it.

145. It should be pointed out that Portugal has not ratified the Convention on the Prevention and Punishment of the Crime of Genocide. But in its resolution 96 (I) of 11 December 1946, the General Assembly affirmed that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices - whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds - are punishable. 18/

146. The actions carried out by Portuguese forces against the Native population in Mozambique, as described in this report, are further found to constitute an offence against the terms of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex, of 21 December 1965), notably its article 5, provisions (b) and (d) (i), guaranteeing, respectively, the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution, and the right to freedom of movement and residence within the border of the State.

17/ United Nations, Treaty Series, vol. 78 (1948), No. 277.

18/ See also General Assembly resolution 95 (I) on the affirmation of the principles of international law recognized by the Charter of the Nürnberg Tribunal.

147. Again, Portugal is not a party to the Convention in question, but provisions to the same general effect as article 5 (b) of the Convention are found in article 7, paragraph 1, of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in resolution 1904 (XVIII) of 20 November 1963.

148. Unlike the conventions mentioned above, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 19/ has been duly ratified by Portugal. The Commission of Inquiry consequently considers it justified to place particular emphasis on the provisions of this latter Convention. As a humanitarian instrument it is considered applicable to a conflict between a colonial Power and the forces of liberation. This principle has been stressed by the General Assembly in resolution 2675 (XXV) of 9 December 1970. The Convention lays down as a minimum a number of provisions which are applicable without regard to reciprocity, such as that persons taking no active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth or any other similar criteria.

149. To this end certain acts - which include violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture - are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons.

150. It is understood that the application of these provisions shall not affect the legal status of the parties to the conflict. The Convention protects all civilians, and also those who may be suspected of helping one or the other party in the conflict.

151. The deliberate massacre by ground forces of the population of villages and hamlets constitute, in the opinion of the Commission of Inquiry, "grave breaches" of the Convention in the sense of its article 147.

152. Article 146 of the Convention makes it an obligation for every contracting party to enact the legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the "grave breaches" of the Convention defined in article 147, and to see that such persons are brought to court, in order that they may be called to reckoning.

153. A contracting party shall also take measures necessary for the suppression of all acts contrary to the provisions of the Convention, other than "grave breaches" as defined in article 147.

154. Article 146 creates a special obligation for all contracting States. Irrespective of whether a contracting State fulfils this obligation, any "grave breaches" or other offence against the provisions of the Convention are imputable to the contracting party under whose authority the individual offender has been serving. This follows from article 148 of the Convention, which suggests that the responsible State may be obliged to pay compensation to the victims of grave breaches and their successors.

155. Apart from violating human rights, torture and wilful killing of members of the civilian population constitute offences against the Geneva Convention relative to

19/ United Nations, Treaty Series, vol. 75 (1949), No. 287.

the Protection of Civilian Persons in Time of War of 12 August 1949, 19/ to which Portugal is a party, and, indeed, grave breaches of that Convention as defined in its article 147, otherwise known as war crimes.

156. According to article 146 of the Convention, persons responsible for such "grave breaches" shall be brought to justice and, according to article 148, the responsible State ought to pay compensation to the victims or their successors.

157. The Commission has taken note of the statement by the representative of Portugal at the 2092nd meeting of the Fourth Committee, on 15 October 1974, to the effect that the Portuguese Government has established judicial proceedings against persons involved in the reported acts of violence and is dismantling the civil and non-military police bodies whose responsibility has already been properly ascertained (see A/C.4/SR.2092). The hope should be expressed that the Portuguese Government may also find suitable ways and means to compensate those individuals corporate, physical or moral, whose situation has been altered and who may be destitute as a result of the criminal acts which agents of the former Portuguese Government committed against them.

V. CONCLUSIONS

158. The Commission of Inquiry was instructed by the General Assembly to carry out an investigation of the reported atrocities in Mozambique, and to gather information from all relevant sources. The Commission of Inquiry has discharged the task thus entrusted to it by conducting hearings in Europe and Africa and by going through all available documentation.

159. It must be emphasized that, although the Commission sought the co-operation of Portugal, as provided for in resolution 3114 (XXVIII), it never received such co-operation which would have allowed its members to hear witnesses in Mozambique and in Portugal.

160. There can be no doubt that each and all of the Commission's members have been guided by a desire to find out the truth about the reported atrocities in Mozambique.

161. The Commission has received only very sketchy evidence about events prior to 1970. The bulk of the evidence refers to events occurring throughout the three years 1971 to 1973.

162. Although this report may not be as comprehensive as the Commission would have liked, owing to reasons set out in paragraph 159 above, the Commission is of the honest opinion that the totality of what has been outlined in this report gives a true picture of what took place in areas of Mozambique in the period under study.

163. The present Government of Portugal has conceded, in the councils of the United Nations, that violations of human rights took place under the previous régime, and knowledge of outrageous and repressive acts under the previous régime seems indeed to be one of the factors which led to the revolt against that régime. 20/

164. The Commission of Inquiry has no doubt that, during the period under study, personnel, for whose acts the Portuguese colonial Government is responsible, perpetrated a number of atrocities in Mozambique.

165. The report of massacres in the Chiefdom of Gandali, in the villages of Chawola, João and Wiriyamu, in the concelho of Tete, prompted the creation of the Commission. The Commission has concentrated much of its attention on these incidents.

166. As it was contended by representatives of the former régime in Portugal that the village of Wiriyamu never even existed, the Commission carefully examined the question of its existence. The Commission is satisfied beyond any doubt that the villages of Chawola, João and Wiriyamu (or Viliano Valete) did indeed exist and were located in a triangle between the rivers Zambezi and Luenha and the high road leading from Tete south towards Changara and Vila Pery. Wiriyamu was a relatively large

20/ See statement by the Minister of Foreign Affairs of Portugal in the General Assembly, on 23 September 1974 (A/PV.2239).

population centre with at least 200 inhabitants, while Chawola and João were somewhat smaller. As a result of the massacres these villages were destroyed.

167. The Commission is completely satisfied by evidence which proves that, on 16 December 1972, Portuguese troops, under the leadership of agents of DGS, surrounded the villages of Chawola, João and Wiriyamu, entered the villages, killed everyone in sight and, in the process, destroyed the villages. Only very few persons managed to escape, including the boy, António Mixioni, who was shot together with the other inhabitants of Chawola, but after regaining consciousness was able to slip out of the pile of corpses and escape. The number of victims is estimated at over 400 in the three villages.

168. The Commission also received detailed and clearly trustworthy evidence of other veritable massacres. An unknown number of people were killed in some villages near Zambué, in the circunscrição of Zumbo, in Tete District, in July-August 1966.

169. Fifty-five persons were killed on 15 March 1968 at a place called Mphadwe, less than one kilometre outside Bene, in the circunscrição of Bene in Tete District; 90 persons were killed at Chiuaió, in the area of Angónia, on 10 March 1972; more than 200 persons were killed in and around Inhaminga in Beira District as late as March 1974.

170. Concerning some massacres, the Commission received more sketchy information, but from most trustworthy sources. Thus, it appears that on or about 16 March 1972, Portuguese and Southern Rhodesian troops killed 78 persons in the village of Zambeze, 30 in Mponda, 38 at Deveteve and 38 at Chimandabue, all in the area near Mucumbura, in the circunscrição of Mágoè, in Tete District.

171. With respect to massacres which reportedly took place at Mueda, in the concelho of Macondes, Cabo Delgado District, on 16 June 1960, and which cost 500 lives, and at Chimalila, north of Vila Cabral, in Niassa District, where 10 to 15 persons were killed, the information which the Commission was able to gather is not conclusive.

172. There were also cases of murder and mass murder which may not be labelled as massacres. The Commission found that in the districts of Cabo Delgado, Tete, and Beira, and possibly elsewhere, peaceful inhabitants of villages and hamlets were killed by individuals and units operating under the over-all authority of the Portuguese Government then in power. In some cases, small numbers of persons were killed, but on other occasions the number of victims was very large. Several hundred persons were killed in some instances. It seems that a main cause for the massacres and murders was the refusal on the part of the villagers to move into aldeamentos, as well as fear on the part of DGS that they might give aid and comfort to members of FRELIMO.

173. The establishment of aldeamentos (villages surrounded by fences) was the source of untold hardship. The transfer of the entire population of a village under the most primitive conditions and the lack not only of facilities, but of the necessities of life in these new population centres caused many deaths as a result of exhaustion, hunger and disease.

174. The evidence heard by the Commission includes references to torture in many different forms. Torture was used to obtain confessions as well as to extract information about FRELIMO. In at least one case, the infliction of bodily harm was

used for the sole purpose of intimidating the population and thus forcing them to move into aldeamentos where they could be better controlled.

175. The Commission also learned that personnel for whose actions the colonial Government was responsible were guilty of wanton destruction and of stealing property from the population of the villages. The Commission was impressed by testimony concerning the cultural repression of the African population. The Commission found that another important element which helped to worsen the situation of the Mozambican population was the deprivation suffered by persons affected by the Cabora Bassa project.

176. In so far as it was possible to identify precisely the units participating in atrocities and the leaders of these actions, so-called "special groups" and commando companies led by agents of the now defunct DGS were among the main perpetrators of the reported atrocities. As it appears that there were different patterns of atrocities in different parts of the country, a measure of local initiative seems plausible. However, it was clear that policies emanating from a higher level created an over-all climate tolerating and even encouraging disregard for human rights. That a large share of responsibility must fall on the DGS is obvious. The role of the military high command in Mozambique is not clear, but they also shared in the responsibility. However, in the final test, responsibility for acts of violence must ultimately be ascribed to the repressive Portuguese Government which was overthrown on 25 April 1974.

VI. RECOMMENDATIONS

177. On the basis of these conclusions, the Commission of Inquiry recommends that the General Assembly take action:

- (1) To condemn the colonial policy of the former Portuguese Government as the cause for the committing of the massacres and other atrocities investigated by the Commission of Inquiry;
- (2) To request the Portuguese Government, the transitional Government of Mozambique and the future Government of independent Mozambique to take all measures necessary to bring to court all those persons responsible for the reported massacres and other atrocities, in order that they may be called to reckoning;
- (3) To express the hope that ways and means may be found to compensate for the destitution resulting from the criminal acts committed against the people of Mozambique by the former Portuguese Government; and
- (4) To appeal to all Governments, the specialized agencies and other organizations within the United Nations system and non-governmental organizations to render to the people of Mozambique all the moral, material, financial and economic assistance necessary for the reconstruction of their country and the consolidation of their independence.

178. The Commission of Inquiry trusts that the Portuguese Government, the transitional Government of Mozambique and the future Government of independent Mozambique will co-operate to eliminate the scars of colonialism and, particularly, of those atrocities which have been investigated by the Commission of Inquiry in a spirit of goodwill guided by the lofty principles enumerated in the Charter of the United Nations and the Universal Declaration of Human Rights.

ANNEX I

Consensus adopted on 20 July 1973 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

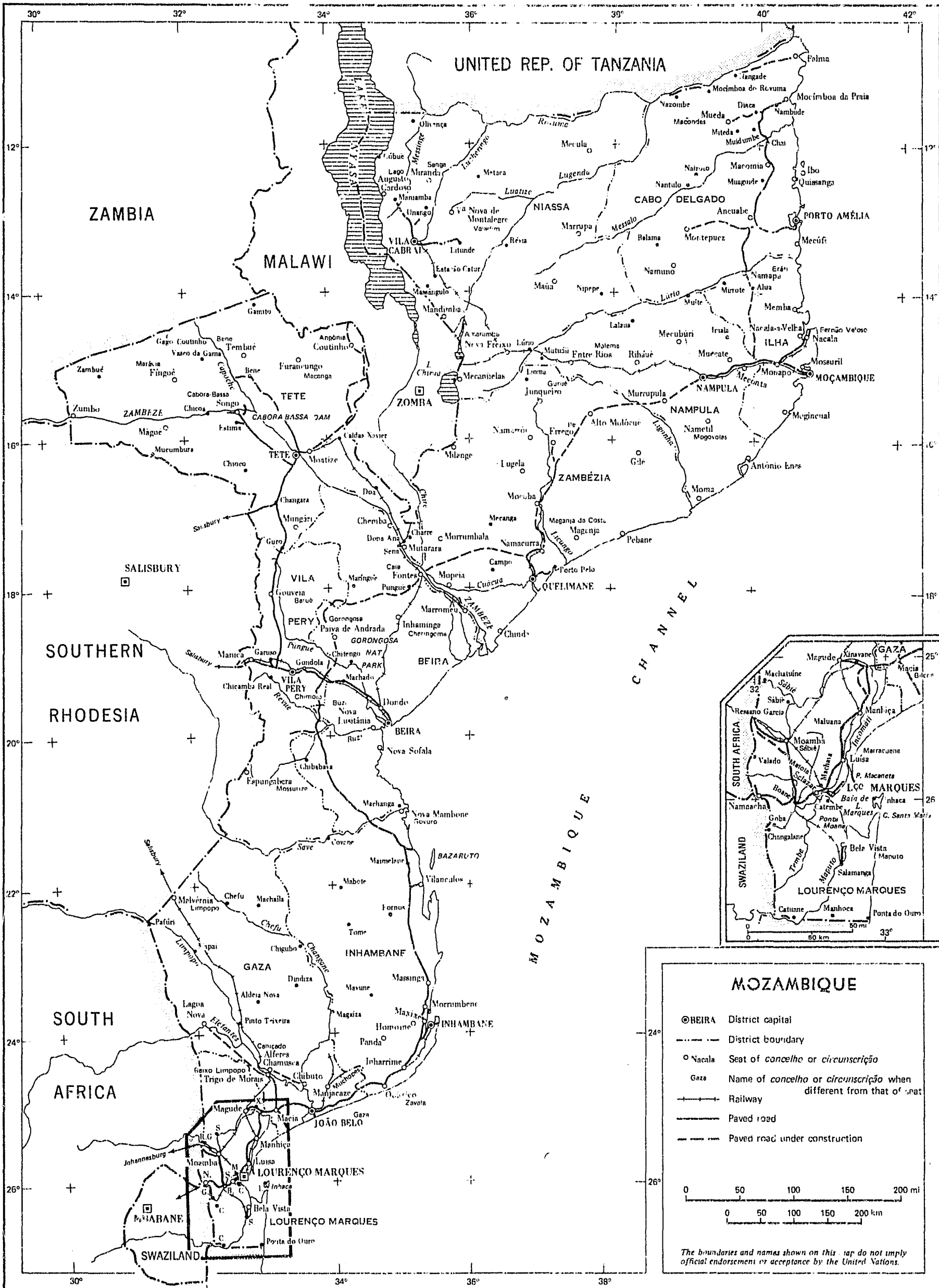
1. The Special Committee has noted with abhorrence further reports which have recently come to light on atrocities committed by Portugal against the population of the African Territories under its domination, in particular the detailed and precise information made public by the Reverend Adrian Hastings on the massacre by Portuguese troops of hundreds of villagers in Mozambique. These reports have attracted world-wide attention and have shocked international public opinion. Against this background, the Special Committee has invited the Reverend Hastings to testify before the Committee. The Special Committee benefited by the active participation of the delegation of the Frente de Libertação de Moçambique (FRELIMO), led by its Vice-President, Mr. Marcelino dos Santos, who came specifically to New York for the purpose of taking part as an observer in the proceedings of the Committee on the matter.
2. The evidence presented to the Special Committee gives further proof of the Portuguese Government's total disregard for human life and basic moral values. Such barbarous atrocities must be unequivocally condemned by all Governments. They serve to illustrate once more the cruel practices inherent in Portugal's colonial warfare, to which the Special Committee has repeatedly drawn the attention of the world community. As the Chairman of the Special Committee pointed out in his recent statement, the records of the United Nations abound with reports of the cruel terror perpetrated by Portugal against the people of Angola, Guinea (Bissau) and Cape Verde and Mozambique, whose only crime consists in their persistent desire for, and their tireless efforts to attain the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples - freedom and independence - which is also one of the principal goals set forth in the Charter of the United Nations.
3. Portugal's colonial warfare is in flagrant violation of long-established international precepts, both legal and humanitarian. The Portuguese Government has no right to deny to the international community complete access to all facts concerning the atrocities perpetrated by it within the African Territories under its domination. It must allow a thorough and impartial investigation of such atrocities on the spot, through the competent organs of the United Nations. All individuals representing Portuguese military and civilian authorities involved in the atrocities must be placed at the disposal of United Nations representatives for systematic interrogation. In the pursuit of such investigation, the United Nations organs should solicit the co-operation and assistance of the national liberation movements.
4. The Government of Portugal cannot escape responsibility for its barbarous acts against the oppressed populations of the Territories under its domination. The latest revelations must give new impetus to the efforts of the international community to put an end to Portugal's despicable colonial policies.

5. So long as the Government of Portugal refuses to comply with the resolutions of the United Nations, it is evident that the suffering in Mozambique, Angola and Guinea (Bissau) and Cape Verde will continue. The Government of Portugal must immediately cease its colonial wars and all acts of repression against the peoples of Mozambique, Angola and Guinea (Bissau) and Cape Verde, withdraw the military and other armed forces which it employs for that purpose and discontinue all practices which violate the inalienable rights of the African people, enabling them to attain their freedom and independence.

6. Now more than ever, it is an obligation of the international community to support the cause of the suffering people in these Territories. Increasing pressure must be brought to bear at all levels against the Government of Portugal. At the same time, international assistance to the national liberation movements of these Territories must be increased. Likewise, all Governments must withhold from the Government of Portugal any support which enables it to continue its colonial wars.

ANNEX II

Map of Mozambique



كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب الى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

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