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**Certificado / Affidavit**

Assino abaixo, Sebastião Lourindo Manhique, nacionalidade Moçambicana, tradutor oficial e autorizado pelo governo da cidade de Maputo e ajuramentado pelo tribunal Judicial da cidade de Maputo. Residente nesta cidade, a pedido do interessado para os devidos efeitos pelo que sei e fui confiado, declaro esta tradução de Português para Inglês composta por uma (06) páginas, verdadeira e conforme a original a mim apresentada – Boletim da República.

O documento traduzido é composto por:

- (1) Um extracto do Boletim da República a favor do **Gabinete do Provedor de Justiça**.

Por ser verdade, envio o presente certificado.

I undersign, Sebastião Lourindo Manhique, Mozambican nationality, official and sworn translator authorized by the government of the Maputo – City and sworn at the court of Maputo. Resident in this city, in ask for the interest for a relevant effects I declare this translation in Portuguese to English composed by one (06) pages a trust and credible document – REPUBLIC BULLETIN.

The translated document is:

- (1) One extract of Republic Bulletin in behalf of **Office of Ombudsman Justice**.

To certify I send this certificate.

The translator: Sebastião Lourindo  
Manhique *ST Manhique*  
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## **REPUBLIC BULLETIN**

OFFICIAL PUBLICATION OF THE REPUBLIC OF MOZAMBIQUE

### **NATIONAL PRESS OF MOZAMBIQUE**

#### **NOTICE**

The material to be published in the "Republic Bulletin" must be sent in a duly authenticated copy, one for each subject, stating, in addition to the information necessary for this purpose, the endorsement following, signed and authenticated: For publication in the "Republic Bulletin"

#### **SUMMARY**

##### **Assembly of the Republic**

Law No. 7/2006:

It establishes the scope of action, the Statute, the powers and the process of operation of the Ombudsman.

#### **Announcement:**

Concerning the filling of the vacancy left by the Member Francisco Xavier Marcelino by Ms. Elsa Muzé Ussene, Deputy MP for the Nampula electoral circle of the Parliamentarian of Renamo U.E.

#### **Announcement:**

Due to the increase in vacancy in the Permanent Commission

left by Mr. Francisco Xavier Marcelino

by Mr. Samuel Brito Simango, Deputy of the Parliamentary Boundary of Renamo U.E.

First Minister:

Office:

It awards one hundred percent, Salina Martins and in favor of Paulo Muchanga.

Office:

Decides to remove the property designated Beira - Engineering from the Beira Shipyards and adjudicates the property called Beira - Engineering, in favor of Abdul Ravat, one hundred percent.



**Office:**

It awards in one hundred percent, the Training Center for Poultry Workers in favor of SOFOPAL - Learning Society.

Professional and Agro-Livestock, Limited.

**Office:**

It awards in one hundred percent, the ILKA Store of Unit II of the former ENAFRIO, EE in favor of Paulo Muchanga.

Ministry of Agriculture and Tourism:

**Ministerial Diploma No 140/2006:**

Approves the slaughter quotas for the 2006 harvest season.

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**ASSEMBLY OF THE REPUBLIC**

Law 11/2006 of August 18

Article 256 of the constitution of the Republic establishes the Ombudsman of Justice as a unique body with functions to guarantee the rights of citizens, the defense of the legal system and of the law in the action of the Public Administration.

Accordingly, under Line 2 (a) of the article 179 of the Constitution of the Republic, the Assembly of the Republic determines:

**Chapter 1**

**General provisions**

**ARTICLE 1**

**(Functions)**

The Ombudsman of Justice is a state body whose background is the guarantee of

citizens' rights, the defense of legality and justice in the actions of the Public Administration.

**ARTICLE 2**

**(Scope of action)**

The functions of the Ombudsman shall be exercised in the activity of the Public Administration at the central, provincial, district and local, as well as municipal, defense and security forces, public institutes, public companies and public service concessionaires, companies with publicly-owned capital, services for the exploration of goods of public domain.

**ARTICLE 3**

**(Right of petition, complaint or complaint)**

1. Citizens, individually or collectively, may submit petitions, complaints or claims for acts or omissions of public powers to the Ombudsman, who shall appraise them without decision, directing to the competent Organs the necessary recommendations to prevent and remedy injustices.
2. The activity of the Ombudsman may also be exercised own initiative, in cases of violation of the rights, freedoms and guarantees of citizens, and is independent of the means gracious and contentious anticipated in the Constitution of the Republic and the law.
3. The duty referred to in paragraph 1 of this Article is extended for

foreigners when it comes to defending their own rights or interests.

## CHAPTER II

### Statute

#### ARTICLE 4

##### (Election and possession)

1. the Ombudsman is elected by the Assembly of the Republic by a two-thirds majority of Members in full functions and takes office before the President of the Republic.

2. If the Assembly of the Republic is dissolved, or not in function the election must take place in the first session of the Assembly of the Republic elected, without prejudice to extraordinary for this purpose.

3. At the time of his / her inauguration, the Ombudsman shall oath:

*"I swear on my honor to faithfully disclose the functions of Ombudsman in which I am invested, promoting and defending the rights, freedoms, guarantees and interests legitimacy of citizens, in strict respect for the Constitution and other laws."*

#### ARTICLE 5

##### (Eligibility requirements)

The Ombudsman is elected among citizens of Mozambican nationality, at least thirty-five years old of recognized probity and impartiality.

#### ARTICLE 6

##### (Term of office)

1. The Ombudsman is elected for a term of five years, and may be re-elected only once for an equal period.

2. After the end of the period for which it has been appointed, the Ombudsman remains in office until the investiture of his successor.

3. The election of the Ombudsman shall be held in session of the Assembly of the Republic specially convened for this it is made.

#### ARTICLE 7

##### (Independence and immobility)

1. In the exercise of his functions, the Ombudsman is independent and impartial, and only observing the Constitution of the Republic and the law.

2. The Ombudsman is immovable and his duties are not may cease before the end of their term of office, except in cases provided for in this Law.

#### ARTICLE 8

##### (Cessation of Functions)

1. Before the expiry of his term of office, the functions of the may cease in the following cases:

a) Death or permanent physical incapacity;

b) Mental incapacity declared by competent authority;



(c) Loss of the eligibility requirements provided for in this Law;

d) Supervening incompatibility;

e) Judicial conviction in any prison sentence;

J) For actions or omissions committed with serious negligence in the performance of their duties;

g) Resignation.

2. The grounds for termination shall be verified by the Assembly of the Republic.

3. The declaration of resignation provided in number g) of number 1 of this article and presented to the President of the Republic and becomes effective after the publication of the Resolution of the Assembly in the Bulletin of the Republic.

#### **ARTICLE 9**

##### **(Incompatibilities)**

1. The Ombudsman is subject to incompatibilities of the magistrates in office.

2. The Ombudsman shall be barred from exercising office and the public pronouncement of declarations of the political partisan character.

#### **ARTICLE 10**

##### **(Immunities)**

1. Ombudsman cannot be prosecuted, investigated, detained or imprisoned,

or to respond civilly or criminally to recommendations or opinions it has issued, or by the acts which he has practiced in the exercise of his functions.

2. Except in cases of flagrante delicto, the Ombudsman cannot be detained or imprisoned without the authorization of the Republic.

3. In the course of criminal proceedings against the Ombudsman after deduction of the definitive indictment, the Republic decides whether or not the Ombudsman should be suspended for the follow-up process.

4. Having the judge ordered, in the office of pronouncement, the arrest of the Ombudsman, the Plenary Assembly of the Republic shall suspend him from office until the date of the final sentence.

#### **ARTICLE 1**

##### **(Rights and benefits)**

1. The Ombudsman enjoys the following rights and privileges:

a) Be treated with the deference that the function demands;

b) Use and possession of personal defense weapons;

c) Special identification card to be approved by the Assembly of the Republic;

d) Free transit in public places of conditioned access, in the exercise of their functions or because of them;

e) Special protection for himself, his spouse and property;

J) Free medical care and medication for him, spouse and dependents;

g) Decent housing, provided free of charge by the State or, failing that, a household income allowance or compensation allowance when residing in the home;

h) Protocole vehicle;

i) Personal use vehicle;

j) Diplomatic passport for him and his spouse;

k) Other rights

2. The Ombudsman cannot be prejudiced in the stability of their employment, in their careers and in the social security benefit that benefit the time of its election to the position.

3. The time of service rendered as Provider of Justice account for the purposes of retirement and retirement.

4. If the Ombudsman does not detain the status of official when the functions cease and the reason for termination is not disciplinary or criminal, you are entitled to a reintegration allowance of 75 percent of the salary, for each year of the position.

## **ARTICLE 12**

### **(Duties)**

The Ombudsman has the following duties:

a) To exercise the function for which he was elected;

b) Defend and promote the interests of citizens;

c) Observe the Constitution of the Republic and the law and promote respect for legality;

d) Contribute to increase the effectiveness of Public Administration;

e) Provide annual information to the Assembly of the Republic about their activity.

## **ARTICLE 13**

### **(Duty of secrecy)**

1. The Ombudsman shall be responsible for maintaining confidentiality in relation to the facts of which he is aware in the exercise of his functions.

2. The duty of secrecy does not cover the facts that the Ombudsman must make public in the context of its activity.

## **ARTICLE 14**

### **(Office of the Ombudsman)**

1. The Ombudsman is assisted by coordinators and advisors with appropriate higher education and proven reputation for integrity.



2. The Ombudsman is directly and personally supported by an Office that gives him all the technical assistance, administrative and financial support in the pursuit of its functions.

3. The members of the Office of the Ombudsman may be requested from other agencies of the State, using the forms of mobility in force in the public service, with the requisites and prerogatives that are inherent to them.

4. The system of remuneration and other rules rights and duties of the members of the Ombudsman's Office Are laid down in specific legislation of the Board of Ministers.

### **CHAPTER III**

#### **Competencies**

#### **ARTICLE 15**

##### **(Competences)**

1. To the justice provider the following competences are committed:

(a) Address recommendations to the competent correction of acts or omissions which are unlawful or injustices of the public powers or improvement of respective services;

b) Indicate the deficiencies of the law that it finds, issuing recommendations, alteration or revocation or suggestions for the drafting of new legislation for the

President of Republic, the Assembly of the Republic and Government.

c) Issue opinions at the request of the Assembly of the Republic on any matters relating to its activity;

d) Request the Constitutional Council to declare of unconstitutionality or of illegality of norms, pursuant to paragraph 2 f) of article 245 of the Constitution of the Republic;

e) Promote the dissemination of legislation on rights, duties and fundamental freedoms of citizens;

f) Intervene, in accordance with applicable law, in the protection of the whether they are collective or diffuse, where

2. The recommendations and opinions referred to in items b) and e) of the previous number are published in the Bulletin of the Republic.

#### **ARTICLE 16**

##### **(Powers)**

1. The Ombudsman, in the exercise of his functions, has the power to:

a) Instituting cases resulting from complaints or requests submitted by citizens in relation to acts performed by the Public Administration;

b) To carry out investigations, audits and inquiries to judge necessary or convenient for the collection of production of evidence, and may adopt all reasonable procedures, while

respecting the and legitimate interests of citizens;

c) Appoint and dismiss the members of the Office of the Justice;

(1) To mediate, prior to making recommendations, the litigation submitted;

e) Carry out inspection visits to all institutions provided for in article 2 of this Law, requesting information, as well as the display of documents that are convenient to the exercise of its function.

2. The performance of the Ombudsman is not limited by the use of graceful or contentious mechanisms foreseen in the law, nor for the pendency of these mechanisms.

3. The Ombudsman may, in case of non-compliance with a judgment given or a final decision, to recommend that the authority concerned comply with such a decision by setting a time limit for that purpose.

#### **ARTICLE 17**

##### **(Inter-organic Relationship)**

It is the responsibility of the Ombudsman to maintain inter-organic with:

a) The President of the Republic, Prime Minister and Ministers;

b) The President of the Assembly of the Republic and the of the Assembly of the Republic;

c) the Presidents of the Superior Councils of Magistrates

Judiciary and the Public Ministry, Presidents of

Constitutional Council and the Administrative Tribunal;

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d) Provincial Governors, District Administrators,

Post Bosses d) Provincial Governors, District Administrators,

Heads of Administration and Population Posts,

Presidents of the Municipal Councils and the Traditional Authorities.

#### **ARTICLE 18**

##### **(Limitations of Interventions)**

1. The Ombudsman has no jurisdiction to annul,

to revoke or modify the acts of the public authorities and their

intervention does not suspend the expiry of the time-

namely gracious or contentious.

2. The Ombudsman's field of intervention does not cover human rights matters in general, only those related to the Public Administration's actions in its relationship with the administrators.

3. The powers of inspection and supervision of the Ombudsman are



excluded from the sovereignty bodies, except for acts performed by the respective holders in the Public Administration domain.

#### **ARTICLE 19**

##### **(Report)**

1. Ombudsman of Justice annually presents to the Assembly of the Republic of Mozambique, the report of the balance of its activities, the number of complaints received, the steps taken, the results obtained, the degree of collaboration of the organs and other elements that prove useful for public knowledge about the functions.

2. The report provided for in the previous number shall be Bulletin of the Republic.

#### **CHAPTER IV**

##### **Process**

#### **ARTICLE 20**

##### **(Initiative)**

The Ombudsman of Justice shall perform his duties on the basis of complaints made by citizens or on his own initiative, in relation to facts which he otherwise has knowledge of.

#### **ARTICLE 21**

##### **(Presentation of petition, complaint and complaint)**

1. The petition, complaint and complaint may be filed without deadlines, either orally or by simple

written documentation, and must contain the identity, address or place of work of the complainant and, where possible, signature.

2. Appeal, complaint and claim can be made directly the Ombudsman, the Assembly of the Republic or any other agent of the Public Ministry and diplomatic or the consular posts of Mozambique, which shall transmit to the Justice, with a view to the organization of the law.

3. When the petitioner, complainant or complainant is domiciled in a place other than the Office of the Ombudsman, the petition, complaint and complaint may be delivered to the District Government or to the Province Government.

4. Complaints do not depend on the complainant's legitimacy, being sufficient knowledge of the facts and, if possible, presentation of the subject at the time of presentation of the complaint.

#### **ARTICLE 22**

##### **(Presuppositions of admissibility of the petition, complaint and complaint)**

The petition, complaint and complaint must contain.

- a) The precise narration of the facts;
- b) The date of the occurrence;
- (c) The identity, where possible, of the agent which practice or omitted relevant acts of the complaint;

(d) An indication of the instillation in which the facts objects of the complaint;

(e) Any existing evidence.

#### **ARTICLE 23**

##### **(Preliminary appraisal of the complaint, complaint to the complainant)**

1. The dispute, complaint and re-examination are the subject of a preliminary assessment to assess their admissibility.

2. The Ombudsman shall refrain from refusing any petitions, complaints to appeals, which are based on litigation in court, lacking grounds, those relating to acts whose illegality has already been remedied or is in the process of being rectified or those whose injury results in the legitimate rights of third parties.

3. When the Ombudsman finds that he is not competent by reason of the matter or jurisdiction, he shall refer the petition, complaint and complaint to a competent court.

#### **ARTICLE 24**

##### **(Exempt from injunction at cost)**

The petition, complaint and complaint do not need to be constituted. However, the petitioners, complainant's claimants are assisted by lawyers and Scam exempt from payment of any costs or fees.

#### **ARTICLE 25**

##### **(Instruction)**

1. The instruction shall consist in carrying out all necessary and sufficient steps, including inspections, requests for information, examinations, inquiries or any other reasonable procedure, which does not encroach upon the fundamental rights of citizens, and is carried out by informal and expeditious means, without subjecting the procedural norms of production of evidence.

2. The proceedings are carried out by the Ombudsman and Office of the Ombudsman, and may also be requested directly from the Public any mandatory entities, with priority and urgency, when justified.

#### **ARTICLE 26**

##### **(Duty to cooperate)**

1. All public authorities have a duty to cooperate by providing what is requested by the Ombudsman, except for the legal restrictions on the subject of justice.

3. Failure to appear unjustified or unjustified by a person who has been summoned to provide explanations or explanations to the Ombudsman, constitutes a crime of disobedience, without prejudice to the disciplinary procedure that may occur.



## **ARTICLE 27**

### **(Formalisms of the auditions and testimonials)**

1. The Ombudsman uses expeditious means and powers to summon the parties to hearings or statements.
2. The term of summoning of the parties is five days, and in urgent cases this period shall be three days.
3. All statements must be recorded and signed by the deponents, if they know and can do so.
4. In cases where the deponents are represented by a lawyer, the latter may sign the statements.
5. The absence of the service determined by the duty to attend the hearings of the Ombudsman Office.

## **ARTICLE 28**

3. After the deadline established, if the recommendation is satisfied, the Provider of Justice shall, depending on the cases, addressed to the hierarchical superior of the visa, or not

The Board of Directors is in compliance with the recommendation, the Assembly of the Republic shall be appointed, stating the reasons for its of position.

4. In the event that no satisfactory reply is received from the Ombudsman may publish the recommendation.

5. Failure to adhere to the recommendation should be grounds.

6. The findings of the Ombudsman are always communicated to the bodies or agents concerned and, if the in a complaint to the complainants.

## **ARTICLE 32**

### **(Participation of infractions)**

During the course of the proceedings the Ombudsman to verify the existence of behaviors that reveal practices of criminal offenses or disciplinary offenses, you must to the Public Ministry or to the hierarchically competent entity to initiate the process.

## **ARTICLE 28**

### **(Cases of small gravity)**

In cases of minor complaints, the Ombudsman may confine itself to making a written or oral warning to the missing party.

## **Article 29**

### **(Previous Hearing)**

The Ombudsman should not make any recommendations without having heard the party against whom the complaint is directed, except if there is a refusal to be heard.

## **ARTICLE 30**

### **(Mediation)**

1. The Ombudsman, by order, sets a deadline for the parties to reach an

agreement for the reparation of unlawfulness or unfairness in each particular case, taking into account the complexity of the case and the nature of the complaint.

2. If the time limit has expired without the agreement having been ombudsman of justice should address recommendations to the missing party.

3. Where the Ombudsman finds that there are no objective conditions for an agreement between the parties, which can be ascertained by either party not cooperating or provoking delay, the Ombudsman may immediately production of evidence, produce the recommendations which it deems necessary.

#### **ARTICLE 31**

##### **(Recommendations)**

1. The recommendations of the Ombudsman shall be addressed to the competent body against whom the complaint has been addressed, with a copy to the complainant, which shall contain:

(a) An indication of the unlawful or unfair act or fact legal framework; proposal of measures &c correction of the act;

c) The maximum period of sixty days for the correction.

2. The body to which the recommendation is addressed shall respond within fifteen days of receipt

of the recommendation and, if there is a basis for doing so, request an extension of the time limit set.

#### **ARTICLE 33**

##### **Bad faith's litigation**

Whenever it is proved that the complaint has been made, the Ombudsman shall report this to the Public Ministry for the establishment of the appropriate criminal procedure.

#### **ARTICLE 34**

##### **(No admissibility of appeal)**

The Ombudsman's acts or recommendations susceptible of recourse and are only suitable for their own Provider of Justice.

#### **ARTICLE 35**

##### **(Publicity)**

1. The Ombudsman shall publish information on the conclusions reached in the proceedings or on any other matter relevant to public knowledge, and may use the means he or she deems necessary.

2. The Ombudsman may publish notices of any fact that he deems relevant or of interest.

#### **CHAPTER V**

Office of the Ombudsman for Justice,

#### **ARTICLE 36**

##### **(Office of the Ombudsman)**



The Office of the Ombudsman has administrative autonomy it works in its own installations.

#### **ARTICLE 37**

##### **(Organic statute and establishment plan)**

The Office of the Ombudsman has an organic statute and a staffing table for the approval of the Council of Ministers.

#### **ARTICLE 38**

##### **(Budget)**

The Office of the Ombudsman is governed by Law No 9 / 2002, of 12 February - SISTAFE Law.

#### **Article 39**

##### **(Implementation)**

This Law shall become effective as of January 1, 2007.

Approved by the Assembly of the Republic on April 27 of 2006.

The President of the Assembly of the Republic, *Eduardo Joaquim Mulembwe*.

Promulgated on July 12, 2006. To be published.

The President of the Republic, *ARMANDO EMILIO GUEBUZA*.

##### **Announcement:**

Following the death of Mr Xavier Marcelino, and consequently his term of office, in accordance with ligne e) of

article 5 of the Statute of the Member, approved by Law no. 3/2004, of January 21; Pursuant to Article 12 (1) and (2) of the law, I hereby inform that.

- The vacancy verified and filled in by Ms Elsa Muze Ussene, deputy for the

Nampula of the parliamentary bench of Renamo-U.E., With effects from 12 June 2006.

Publish yourself.

Maputo, on 30 June 2006. The President of the

of the Republic, *Eduardo Joaquim Mulembwe*.

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#### **FIRST MINISTER**

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##### **Office**

As part of the process of restructuring the state's business sector, Salina Martins I was, on 31 June 1995, awarded in favor of SOGESTA, LDA, within the scope of the public tender opened by the National Commission for Evaluations and Alienations (CNAA), of the Ministry of Science and Energy.

Due to non-compliance with commitments made payment, on demand and the abandonment of the activities of the Salina, on the other, to this Unit was, under the provisions of

Article 40 (1) of the Regulation adopted by the Decree No 21/89 of 23 May and in conjunction with the amendments introduced by Article 41

of Decree No 10/97 of 10 May, annulled the award, by joint order of the Ministers Industry and Commerce and the Plan and Finances, of 26 October 2004.

Having needed to alienate that Salina, First-Minister, using the competence defined in Article 10 (1) of Law No 15/91 of 3 August, after hearing the members of the Commission Inter-ministerial Conference for Enterprise Restructuring (CIRE), decides:

Single. It was awarded, in percent, to Salina Martins I in favor of Paulo Muchanga.

To Publish.

Maputo, on July 5, 2006. - The Prime Minister *Luisa Dias Diogo*.

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#### Office

Within the scope of the process of restructuring the business sector of the State and under the Order of the Prime Minister, of 22 August 1996, has been assigned in the event of cessation of exploration the Beira Shipyards (ENAI3E) in favor of BEIRANAVE - Shipyards from Beira, SARL...

At the time, the installations attached to the refinery were leased to third parties, with the expectation that they would be included in the net assets of the exploration, as the leases expired.

Bearing in mind that the BEIRANAVE is not intended to be any operation which is deemed more convenient to

the interests of the State, including the sale of parts of the facilities, on the one hand, and having appeared interested in its acquisition, for the other, the Prime Minister, hearing the members of the Commission

(CIRE), decides:

1. Disengagement of the property designated Beira-Engineering, of the Naval Shipyards of Beira (ENABE).

2. Subject to the Jurisdiction conferred by Article 10 (1) of Law No 15/91 of 3 August, the award, in percentage terms, of the property designated Beira-Engeneering, in favor of ABDUL RAVAT.

To Publish.

Maputo, on July 5, 2006. The Prime Minister, *Luisa Dias Diogo*.

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#### Office

The Training Center for Poultry-Ready Operators has been experiencing operational difficulties since

African pastry situation worsened since the 1980s, coupled with the fact that other and competing with the activities carried out by the Center, especially those related to training.

However, having regard to the fact that, despite the difficulties encountered, the workers have maintained the maintenance of the Center in operation, as well as the jobs, which resulted in the formation of an incoming society.



*Translated from Portuguese*

Arquivo do Estado  
do Rio de Janeiro  
Arquivo do Estado  
do Rio de Janeiro  
Arquivo do Estado  
do Rio de Janeiro

Thus, in the context of the process of restructuring the of the State, on the one hand, and it is appropriate to formalize only the management of the Center, as well as its inauguration, the Prime Minister.