



Flash News

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RELEASE: DECLARATION OF A STATE OF EMERGENCY IN MOZAMBIQUE

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The following legal diplomas were recently published: (i) Law 1/2020, of 31 March, which ratifies the Declaration of the State of Emergency (“Law”) and the Presidential Decree nº 11/2020, of 30 March, which declares the State of Emergency in Mozambique (“Decree”).

Duration:

The State of Emergency in Mozambique lasts for 30 days, starting at 0:00 am on 1 April 2020 and ending at 12:00 am on 30 April 2020, the period being subject to change.

In terms of the Law and the Decree, the following measures were approved:

Measures for Courts and Litigation:

In terms of the Law, during the State of Emergency in Mozambique, the judicial vacation regime applies to all procedural acts and judicial procedures. Urgent proceedings and those where fundamental rights are at stake, such as those relating to imprisoned defendants and minors at risk are the exception. Procedural and administrative deadlines, including disciplinary procedures, were suspended during the State of Emergency period in Mozambique. The periods of limitation and prescription periods for all processes and procedures were also suspended.

Prohibitions, Restrictions and Duties:

Some rights, freedoms and guarantees were restricted, namely: (i) suspension of the issuance of entry visas and cancellation of issued visas; (ii) reinforcement of the mandatory 14-day quarantine measures for all persons who have entered the country in the last two weeks, for those arriving in the country and all persons who have had direct contact with confirmed cases of COVID-19 ; (iii) suspension of classes at all public or private schools; (iv) prohibition of public and private events, religious cults, cultural, recreational, sporting, political, associative, tourist activities, except those that cannot be postponed by

the State and socials; (v) mandatory implementation of preventive measures in all public and private institutions and passenger transports.

Note that point (v) above requires all public and private entities to adopt specific internal measures of prevention against Covid-19. It remains open the definition of which measures to apply, relegating them to their definition.

Programmatic measures yet to be implemented:

The following programmatic and yet to be implemented measures, were provided by the Council of Ministers: (i) limitation of the internal circulation of people if there is an exponential increase in cases of contamination; (ii) imposition of the permanence of people at home or at appropriate establishment as a preventive measure; (iii) limitation of the entry and exit of people, through partial closure of borders; (iv) demand for real-time knowledge of people through geolocation; (iv) closing of commercial, entertainment and similar establishments, or reduction of their activity and work; (v) inspection of the prices of essential goods for the population; (vi) adoption of necessary fiscal and monetary policy measures; (vii) introduction of work shifts, other modalities depending on the specificities of the work area.

Note that the measures indicated above still need to be implemented, namely according to the developments and impact of the Covid-19 pandemic, therefore, the main conclusions to be retained at this stage are:

- (i) that companies may operate normally until otherwise indicated, provided that they adopt security measures; and / or
- (ii) it will be up to each company, at least in this phase, to make the decision to close or create flexible work mechanisms. We emphasize in any case that the conclusions presented fit into a scenario of uncertainties and omissions both in the Law and Decree, therefore there is always the risk that the Public Authorities will interpret or proceed in a different direction from the one presented in the note above.

Essential services:

The following services were considered essential, and should therefore be maintained:

- (i) medical, hospital and medication services;
- (ii) water, energy and fuel supply;
- (iii) sale of food and basic necessities;
- (iv) postal and telecommunications services, control of air space, weather, firefighting;
- (v) private security, among others.

In view of the doubts and uncertainties raised by the Law and Decree, we expect the Government of the Republic of Mozambique to proceed as soon as possible with the clarifications and implementation of some measures, as promised at the press Conference that followed the meeting of the Council of Ministers of 1 April 2020.

We will provide an update on any developments as soon as they occur.

IMPORTANT NOTE: at any time (most likely still today, 2 April 2020) the Council of Ministers will proceed to communicate the specific measures applicable to the implementation of the State of Emergency.

Then, provide an explanation of these measures and the impacts they may have on your business.