

# AMNESTY INTERNATIONAL

## Public Statement

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### **African Commission on Human and Peoples' Rights: Oral statement on Item 9: Human rights situation in Africa -- human rights in Zimbabwe**

Chairperson, Commissioners,

Amnesty International is gravely concerned by the continuing violations of human rights and the almost absolute impunity enjoyed by the perpetrators.

In May 2005 the Government of Zimbabwe embarked on Operation Murambatsvina, a programme of mass forced evictions and demolition of homes and informal livelihoods. The Operation, which was carried out in winter and against a backdrop of severe food shortages, targeted urban areas countrywide. The evictions and demolitions were carried out without due process, and during the operation police used excessive force: property was destroyed and people were beaten.

In a report released on 22 July 2005 the United Nations (UN) Special Envoy on Human Settlement Issues in Zimbabwe, Mrs. Anna Tibaijuka, estimated that some 700,000 people had lost their homes, their livelihoods, or both.

People have been forcibly put on police and government trucks and taken to rural areas. In numerous such cases the authorities have simply abandoned groups of people at rural bus stops or local authority offices, without shelter, food, water or sanitation.

The operation has resulted in enormous internal displacement of people and, as the UN has stated, a "humanitarian crisis of immense proportions".

However, despite overwhelming evidence of humanitarian need the Zimbabwean government has denied that a humanitarian crisis exists, refused to release a UN appeal for aid and repeatedly obstructed the humanitarian efforts of the UN and civil society groups. In October the UN Secretary-General, Kofi Annan, publicly expressed great concern about the humanitarian situation in Zimbabwe.

Amnesty International is deeply concerned by the government of Zimbabwe's failure to fulfil its obligations under international human rights law to ensure adequate emergency shelter and adequate food, clean water, sanitation and medical care for all those in need. Recent moves to allow the UN to construct temporary shelters for some of the homeless, while a step in the right direction, do not go far enough to addressing the immediate and very urgent needs of those living without adequate shelter.

The human rights and humanitarian concerns outlined above are grave. However, Amnesty International believes that the mass forced evictions and demolitions, and the subsequent violation of the rights of the IDPs, which have taken place over the past five months, cannot be seen or addressed in isolation from the broader and deeper human rights crisis in Zimbabwe. The steady erosion of rule of law, the

politicisation of the police force, the practice of flouting court orders over the past five years and a history of impunity for perpetrators of human rights violations have all been significant factors in undermining security of tenure and equal protection of the law in Zimbabwe, and have a direct bearing on the present situation.

These broader human rights problems in Zimbabwe have been well documented, including by the African Commission on Human and Peoples' Rights' report of its 2002 fact-finding mission to Zimbabwe. Since the publication of the African Commission's report, the Government of Zimbabwe has filed its periodic report on the implementation of the African Charter on Human and Peoples' Rights. However, other key recommendations contained in the African Commission's report have not been addressed by Zimbabwe.

One of the Commission's key recommendations was the amendment or repeal of repressive laws, such as the Public Order and Security Act and the Private Voluntary Organisations Act. However, the Government of Zimbabwe has failed to implement these recommendations, continues to use and defend repressive legislation and has proceeded to propose and enact new legislation which violates internationally recognised human rights.

On 30 August 2005 the Parliament of Zimbabwe passed a Constitutional Amendment Act (no. 17) which was subsequently signed into law by President Mugabe. The Act violates internationally recognized rights, including the right to equal protection of the law and the right to freedom of movement. Under the Constitutional Amendment the right to freedom of movement can now be limited in "the public interest" and in "the economic interests of the State". Moreover, the previously unrestricted right to leave Zimbabwe is now subject to the same limitations. The new grounds for limiting of the right to freedom of movement do not conform to relevant international standards, such as Article 12 of the African Charter on Human and Peoples' Rights.

Amnesty International believes that the African Commission has a crucial role to play to address the prolonged human rights crisis in Zimbabwe.

In view of the government of Zimbabwe failure to address the recommendations contained in the report of the African Commission's 2002 fact-finding visit as well as the recommendations contained in the report of the UN Special Envoy, Amnesty International urges the African Commission to adopt a resolution

- condemning the human rights violations in Zimbabwe;
- urging Zimbabwe to adhere to its obligations under the African Charter on Human and Peoples' Rights, including by refraining from committing further human rights violations and by providing redress to victims of those violations already committed;
- urging Zimbabwe to implement without further delay the recommendations contained in the African Commission 2002 fact-finding report;
- urging Zimbabwe to implement the recommendations of the UN Special Envoy on Human Settlement Issues in Zimbabwe, in particular calling for full and unimpeded passage of aid provided by impartial humanitarian organizations and UN agencies;
- urging the government of Zimbabwe to cooperate with the African Commission Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa, including by allowing a fact-finding mission to investigate the current situation of internally displaced persons in Zimbabwe;
- calling on the African Union to place the human rights situation of Zimbabwe on the agenda of its January 2006 Assembly of Heads of State and Government;
- calling on the African Union to encourage the government of Zimbabwe to implement the recommendations of the African Commission and the UN Special Envoy;
- calling on the African Union to renew the mandate of the African Union Envoy on Zimbabwe.

