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# amnesty international

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## ZIMBABWE

### International community must take action now

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Amnesty International remains very concerned about the grave human rights situation in Zimbabwe, where there are constant attacks on the independent press and on perceived and real opponents of the government. Of particular concern is the ongoing violations by the group calling themselves war veterans, who act with impunity and with the acquiescence of the government. Some are veterans from the war for independence, others are youths apparently paid for their actions.

In this situation, Amnesty International welcomes the resolution on 15 March by the European Parliament condemning the human rights violations in Zimbabwe and the decision on 20 March by the Commonwealth Ministerial Action Group to send a mission to Zimbabwe.

Political killings, beatings, acts of intimidation and other assaults amounting to torture or ill-treatment, have been inflicted on the population in Zimbabwe by members of the army, as well as war veterans, particularly in some of the areas that supported the opposition in the last elections. Zimbabwe is a party to the Organisation for African Unity (OAU)'s African Charter on Human and Peoples' Rights and to the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR). Article 5 of the African Charter and Article 7 of the ICCPR prohibit torture. Furthermore under Articles 9, 10 and 11 in the African Charter and Articles 19, 21 and 22 of the ICCPR, Zimbabwe is obliged to respect its population's right to freedom of expression, peaceful assembly and association. Zimbabwe is violating these rights on a daily basis. Every individual should be guaranteed equal protection of the law in accordance with Article 3 of the African Charter and Articles 16 and 17 of the ICCPR. In Zimbabwe, respect for the independence of the judiciary and the rule of law is steadily being eroded.

In the light of these clear violations of Zimbabwe's treaty obligations, Amnesty International urges that individual governments and other intergovernmental organisations, in particular the OAU and the UN, should pay increased attention to the human rights situation in Zimbabwe.

Amnesty International fears that torture, political killings, "disappearances" and other human rights violations will continue and may escalate in the run-up to presidential elections that are due to take place in the first quarter of 2002. The international community must act now to prevent further incidents of these human rights violations.

### **Constant attacks on the press**

The independent press in Zimbabwe is under siege from the government and its supporters. Journalists doing critical and independent reporting are subject to harassment, including violence and death threats.

On 10 March 2001 Njabulo Ncube, Bureau Chief in Bulawayo for the weekly *Financial Gazette*, was threatened by a war veteran leader who entered the Bulawayo Press Club, where the South African High Commissioner to Zimbabwe was addressing journalists. These threats included that Ncube would be dead by the time of the presidential elections in 2002 because of his alleged links with the opposition Movement for Democratic Change (MDC). "You are a fool, you will be killed for nothing. You will not last up to 2002", the war veteran leader allegedly shouted in front of the High Commissioner and other journalists.

On 28 January 2001, the printing press of the *Daily News* was bombed. The *Daily News* is the only non government controlled daily newspaper in Zimbabwe and its editor and staff appear particularly targeted by the government and its supporters. Only hours before the bombing, the Minister of Information and Publicity in the President's Office, Professor Jonathan Moyo, told the Zimbabwe Broadcasting Corporation (ZBC) that the state would silence the *Daily News*, as he alleged that it posed a security risk to the nation. The bombing was the second in less than a year, following the bombing of the editorial offices in April 2000. No conclusive investigations into the bombings were ever made by the police. The editor of the newspaper, Mr Geoff Nyarota, has also reported receiving death threats and on one occasion a man told him in person that he had been paid to assassinate the editor.

Five days prior to the January 2001 bombing, the offices of the *Daily News* were subject to a violent demonstration by war veterans.

On 3 February 2001, a demonstration by journalists to protest against the harassment of media workers and the bombing of the *Daily News* printing press was called off at the last minute, because the police refused them permits to demonstrate. The police said that they feared war veterans would simultaneously hold a demonstration, and that this could lead to clashes.

On 26 January 2001, police officers summoned in for questioning Davison Maruziva, deputy editor of the *Daily News*, and reporters Conrad Nyamutata and Luke Tamborinyoka. They were, together with their editor, Geoff Nyarota, questioned for four hours over a story on a civil lawsuit filed in USA against President Mugabe. Their statements were recorded in the presence of their lawyer. The police later summoned and questioned Mark Chavunduka,

editor of *The Standard*, a weekly newspaper, over reports on the same lawsuit. The journalists are allegedly being accused of criminal defamation arising from the articles on the lawsuit.

In a statement issued in connection with reporting on the ongoing lawsuit against President Mugabe in the USA, the Department of Information and Publicity in the Office of the President stated: "Government is reviewing media laws with a view to bringing to Parliament, before the end of the year, appropriate legislation to bring to a stop once and for all the kind of journalism typified by the *Daily News* and *The Standard*." It also noted that, "the reports [on the ongoing lawsuit] were not only false but criminally defamatory. Even worse, they have used the frivolous case to wilfully, maliciously and criminally defame both the office of and person of the President."

In addition to these direct forms of harassment of the independent press, the Minister of Information in the President's Office, Jonathan Moyo, has stated that the government is preparing new accreditation regulations for journalists, according to reports of 9 March in the state-controlled daily *The Herald*. Under the new accreditation rules journalists will be required to hold certain professional qualifications before they can be issued with press cards. Members of the press fear that the regulations will be abused by the government to silence critical journalists.

### **Constant attacks on the opposition**

The elections in June 2000 resulted in the opposition parties Movement for Democratic Change (MDC) gaining 57 and ZANU (Ndonga) 1 out of 120 elected seats in parliament, despite the election campaign being marred by violence, particularly against perceived or real opposition supporters with the aim of intimidating them.

In the aftermath of the elections, the attempts to silence the opposition have been ongoing. Officials and supporters of the MDC, and even the population at large in some of the areas where the MDC won seats in the elections, have faced and still face severe harassment. Some of the incidents have included:

- death threats made against David Coltart, MDC MP for Bulawayo South and shadow minister for legal affairs, who was forced to go into hiding in the beginning of March for a week. The gravity of these threats were underscored by the previous abduction and "disappearance" of one of his main election campaigners. Patrick Nabanyama was abducted by government supporters in broad daylight on 19 June 2000 and remains unaccounted for to this day.
- indiscriminate assaults against civilians in Chitungwiza constituency, where the MDC candidate Fidelis Mhashu won with close to 70% of the votes. The residents are living in a state of fear of members of the army who from dusk assault people indiscriminately in the streets, in bars and in some cases in peoples' own homes, while accusing them of being MDC supporters. The soldiers have allegedly forced them to denounce MDC and chant slogans for the ruling party, while beating them up or intimidating them in other ways.

### **Threats to the rule of law and ongoing impunity for human rights violations**

On several occasions over the past year, including when the Supreme Court has delivered judgements on the land issue, the President and government ministers have announced that they will not comply with court decisions. The Chief Justice of the Supreme Court has taken early retirement, reportedly as a result of threats and intense pressure. On at least one occasion a group of war veterans invaded the High Court in Harare and threatened court officials.

These symptoms of blatant disregard for the rule of law are occurring in a context where human rights violations are sustained by a culture of impunity that has prevailed prior to and since independence. Serious violations of human rights have neither been investigated nor the perpetrators identified and punished.

In 1980, the independence settlement included an amnesty for all perpetrators of human rights violations and abuses committed during the war for independence (1972-80). Those who served in Rhodesia's military and security forces who had been involved in extrajudicial executions and torture were thus incorporated without sanction into the new Zimbabwe government's military and security forces. Inevitably this sent a clear signal that the commission of human rights violations was acceptable and would go unpunished. Methods of carrying out human rights violations were also passed from the Rhodesian to the newly integrated Zimbabwean forces, often practised by the very same people.

As a result, the pattern of violations during the Matabeleland crisis of 1983-1988 was similar to that during the period of the war of independence. Once more, political expediency resulted in an amnesty for all those responsible for human rights violations, so that no-one was brought to justice for the extrajudicial executions, political killings and torture, including rape.

During the election campaign leading up to the parliamentary elections in June 2000 a pattern of violations that included extrajudicial execution and torture emerged. In October 2000 the President announced a Clemency Order that gave unconditional amnesty for all violations during the first seven months of the year, with the exception of acts of murder, rape and theft. This order resulted in investigations of torture and ill-treatment being halted, suspects remanded in custody pending trial released, and charges dropped.

Amnesty International is concerned that this longstanding culture of impunity will facilitate the repetition of massive human rights violations in the run-up to presidential elections in 2002.

## **Amnesty International recommendations**

- governments in Southern Africa and around the world should condemn the ongoing violation of human rights in Zimbabwe;
- the international community, in particular countries in Southern Africa and other countries with trade, aid, cultural or other links to Zimbabwe, must press the President and the government of Zimbabwe to end human rights violations and ensure effective investigation of incidents that have already taken place;
- in order to end the culture of impunity an independent, international and impartial commission of inquiry should be constituted and invited to Zimbabwe to investigate reports of extrajudicial executions, torture and ill-treatment, in accordance with international standards for such inquiries and with adequate resources. Standards for such inquiries include the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the “Istanbul Protocol”) and the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- The African Commission on Human and Peoples’ Rights should request Zimbabwe to submit a special report, as well as submitting the report overdue since 1999;
- the international community should put pressure on the government of Zimbabwe to invite the United Nations Special Rapporteur on freedom of expression, the Special Rapporteur on independence of the judiciary and the Special Rapporteur on torture to visit the country and conduct investigations;
- the international community should call upon Zimbabwe to permit international observers to monitor the human rights situation in Zimbabwe now, as a preventive measure in the run-up to presidential elections; such monitors should report publicly on any abuses that may occur. The presence of observers only at the time of elections will be too late to prevent a further erosion of fundamental freedoms.
- the international community should publicly express support for NGOs and other human rights defenders, such as journalists and lawyers, who continue to do good work in very difficult circumstances.

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