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# TANZANIA

## Human rights concerns relating to demonstrations in Zanzibar on 27 January 2001

### 1. Introduction

*Amnesty International welcomes the proposal, contained in the agreement signed between the ruling Chama Cha Mapinduzi (CCM) and opposition Civic United Front (CUF) on 10 October 2001, to address human rights concerns connected to demonstrations held in January 2001. In particular, a commission of inquiry is being set up to investigate these events of January 2001 and assistance may be provided to victims or their families. The organization particularly welcomes, as part of the initial implementation of the agreement, the release on 15 October 2001 of CUF leaders Juma Duni Haji and Machano Khamis Ali and the withdrawal of charges against all those accused in connection with the demonstrations.*

*This report sets out the organization's concerns and recommendations about human rights violations relating to the demonstrations, including killings, mass arrests and torture in Zanzibar. Amnesty International has called for an independent and impartial inquiry into these issues.*

### 2. Background

On 27 January 2001 armed police shot dead at least 22 opposition demonstrators (according to government figures) and possibly more than 60 (as the opposition claims) on Pemba island, which is part of Zanzibar and is ruled by the semi-autonomous government of Zanzibar. Hundreds were detained and tortured

before, during and in the days following the demonstrations in Pemba, Zanzibar town and the mainland Tanzanian capital of Dar es Salaam.

Opposition party supporters were demanding the re-run of the October 2000 elections in Zanzibar, which the Commonwealth Observers Group had previously said should be cancelled and completely re-run on account of major defects. The Tanzanian and Zanzibar governments have maintained their refusal to hold fresh elections for the President and parliament of Zanzibar.

*An Amnesty International delegation visited Tanzania between 20 February and 2 March 2001. The delegation visited Pemba, Zanzibar town and Dar es Salaam. The mission also met in Kenya some of those who had fled the repression. The purpose of the visit was to conduct investigations on the spot and talk to as wide a range of people as possible. Delegates interviewed witnesses and victims of human rights violations, including torture and rape victims and released political prisoners, and sought to meet government officials. Before the visit, Amnesty International wrote to the government asking to meet President Benjamin Mkapa and other appropriate members and officials of the Government of Tanzania. In addition, they asked to meet President Amani Abeid Karume and other members and officials of the Government of Zanzibar.*

*On arrival in Zanzibar, the delegates were able to meet the Principal Secretary in the Office of the Chief Minister's Office. They also briefly and informally met the Commissioner of Prisons, the Principal Secretary to the Minister of State for Constitutional Affairs and Governance, and the Registrar of the High Court. A meeting arranged with the Chief Minister was cancelled at the last minute, as was a meeting with the Zanzibar Commissioner of Police and the Union Commissioner of Police for Operations and Training. The latter had been in charge of the police operation at the 27 January demonstration.*

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*No meetings could be obtained with the Union authorities in Dar es Salaam following the delegates' visit to Zanzibar.*

*At the end of the visit, on 2 March, the delegation held a press conference in Dar es Salaam to make public their preliminary findings. They called on the Government of Tanzania to establish an independent and impartial inquiry into the events connected to the demonstrations of 27 January 2001.*

### 3. Human rights in Zanzibar **since 1995**

Zanzibar, a semi-autonomous part of Tanzania, has moved at a much slower rate towards multi-party democracy and improvements in human rights than the rest of the country. The mainland-based Tanzanian (Union) government has exercised limited authority in Zanzibar. In 1992 a constitutional amendment made Tanzania a multi-party democracy and ended 28 years of one-party rule by the CCM, Party of the Revolution. This permitted the formation of the CUF, a Zanzibar-based party with a national membership, which opposed the CCM and the Zanzibar government.

The CCM won the first multi-party presidential and parliamentary elections in October 1995, with former Foreign Minister Benjamin Mkapa elected as President of Tanzania. Dr Salmin Amour of the CCM was re-elected as President of Zanzibar by a narrow margin and the CCM gained a close win over the CUF in the Zanzibar House of Representatives (parliament). Most election observers as well as foreign diplomats considered the Zanzibar result to have been unfair. There was widespread intimidation and violence against CUF supporters, particularly by police and the CCM youth wing. Donor governments refused to recognize President Salmin Amour's government and suspended aid to Zanzibar. The CUF protested by instructing its parliamentary representatives, after taking their seats, to boycott parliamentary proceedings.

The 1995 elections led to a political and human rights crisis in Zanzibar. Numerous CUF supporters were arrested on trumped-up criminal charges, tortured in police stations and jailed by magistrates who did not question prosecution and police accounts. There was constant harassment and intimidation of CUF supporters. Hundreds were dismissed from their jobs. CUF rallies were banned. CUF leaders nevertheless continually appealed to their supporters not to react violently, and maintained the party's

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stated commitment to peaceful political activity. Government accusations that CUF leaders advocated, called for and planned violence by their supporters at the demonstrations, were not supported by any clear evidence.

Eighteen CUF leaders and supporters, including the CUF Deputy Secretary General, Juma Duni Haji, the CUF Director for Human Rights, Hamad Masoud Hamad, and two women supporters, Zulekha Ahmed Mohamed and Zeina Juma Mohamed, were arrested in late 1997 and early 1998 and detained on fabricated charges of treason.

Both the Commonwealth Secretary General and the United Nations (UN) Secretary General were involved in numerous international attempts to settle the crisis in Zanzibar. After many delays, a Commonwealth-mediated agreement was signed by the CCM and the CUF in April 1999. The Commonwealth Agreement declared that both parties would

*“... work together in the spirit of national reconciliation to consolidate democracy in Zanzibar, promote human rights and good governance and ensure that the elections scheduled for the year 2000 and all other subsequent elections are free of controversy and in which the will of the electorate will be respected.”*

A Programme of Action was to be implemented by an Inter-Party Commission of the CCM and the CUF, including:

- the creation of an independent electoral commission, and the introduction of voter and civic education and constitutional and legal reform;
- promotion of human rights and democracy, including equal access to the media and free political activity;
- reform of the judiciary;
- independent assessment of CUF compensation claims and judicial investigation into allegations of human rights abuses against government opponents;
- ending the CUF parliamentary boycott and giving the CUF two more seats in parliament;
- both sides refraining from inciting ethnic hatred, hostility and political intolerance.

The CUF ended its parliamentary boycott and peaceful political activity gradually returned. In general, human rights violations declined, though new abuses continued to occur. However the Zanzibar authorities did not release the 18 treason trial prisoners but seemed determined to bring them to trial. Amnesty International was concerned that the

trial would not be consistent with international standards of fair trial and considered the defendants to be prisoners of conscience.<sup>1</sup>

### 3. The October 2000 elections

Political tension and human rights violations in Zanzibar increased in the build-up to the following elections scheduled for 29 October 2000 for the Presidents of Tanzania and Zanzibar and the two parliaments. Amnesty International appealed to election observers to monitor human rights and prevent violations and said:

*“The conduct of these elections will affect the human rights situation in Zanzibar for a long time to come and will have repercussions on the mainland too... The conditions for free and fair elections depend ultimately on adequate respect for human rights both by the Tanzanian government of President Benjamin Mkapa on the mainland and the Zanzibar government.”*<sup>2</sup>

European Union (EU) delegations in Tanzania were barred from sending election observers to Zanzibar. The Commonwealth Observer Group severely criticised the elections on Zanzibar, calling for them to be cancelled and held again:<sup>3</sup>

*“In many places [in Zanzibar] this election was a shambles. The cause is either massive incompetence or a deliberate attempt to wreck at least part of this election: we are not yet in a position to know which. Either way, the outcome represents a colossal contempt for ordinary Zanzibar people and their aspirations for democracy... On the evidence of polling day the elections should be held again, in their entirety. But first, the existing election machinery must be reformed from top to bottom.”*

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<sup>1</sup> “Tanzania: Prisoners of conscience face treason trial in Zanzibar”, Amnesty International, January 2000, AI Index: AFR 56/10/00.

<sup>2</sup> “Tanzania: A human rights brief for election observers”, Amnesty International, October 2000, AI Index: AFR 56/13/00.

<sup>3</sup> Commonwealth Observer Group news release and interim statement, Zanzibar, 29 October 2000.

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In its final report the Commonwealth Group repeated its call for a complete re-run of the elections in Zanzibar. It said the elections in Zanzibar “fell far short of minimum standards” and criticized the police for “use of live rounds against unarmed demonstrators and the use of beatings”.<sup>4</sup> Amnesty International received reports of many ballot boxes being taken away by police from polling booths before counting had ended, despite the protests of election monitors and in contravention of election rules. Voting results were announced some days later without any independent verification or monitoring of the counting. There was considerable administrative inefficiency and chaos. Many observers concluded that the elections were rigged to prevent a possible opposition win in Zanzibar, especially in Pemba.

The CUF rejected the election results and refused to recognize President Karume’s government. The Zanzibar Election Committee, much criticised for lack of independence, admitted there had been mistakes and ordered fresh elections in 16 of the 50 constituencies in Zanzibar. The CUF rejected this as inadequate and boycotted these by-elections which were held on 5 November 2000. The 34 CUF members of the Union and Zanzibar parliaments who had been elected boycotted parliamentary proceedings and were consequently removed from their seats in April 2001. By-elections for their seats should have been held within 60 days but the government brought in new legislation to delay them for up to two years.

The outcome of the October 2000 elections was the continuation in power of the CCM in the Union parliament, where there are now 15 seats held by other opposition parties, and also in the Zanzibar parliament, where there are now no opposition members. President Mkapa was re-elected as President of Tanzania, and the new CCM candidate elected as President of Zanzibar is Amani Abeid Karume, son of former Zanzibar president Sheikh Abeid Karume.

There were continued human rights violations against CUF leaders and supporters in the three months after the elections including the following:

- In January 2001 the CUF Secretary General Seif Sharif Hamad and 39 others were arrested and charged with armed conspiracy and theft of weapons and released on bail. CUF security guards had reportedly beaten a group of armed police, disarmed them and then returned their weapons to them after they had forced their way into the CUF headquarters in Zanzibar’s Stone

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<sup>4</sup>“The Elections in Zanzibar, United Republic of Tanzania”, Report of the Commonwealth Observer Group, 3 November 2000

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Town. Amnesty International believes the charges may be politically motivated and calls for the accused to be given a fair trial in accordance with international standards. It fears that Seif Sharif Hamad and many of the other defendants could be imprisoned as prisoners of conscience on account of their non-violent political activities. The trial has been frequently adjourned;

- over 50 people reported to be mostly CUF supporters were arrested in connection with alleged bombings of government and the CCM premises, in which one person was injured and some property damaged. They were later released on bail. Amnesty International believes that the arrests may have been politically motivated and that all political prisoners, including those charged with violent offences, should have the right to fair trial in accordance with international standards;
- arbitrary beatings and short-term arrests of CUF supporters, some of whom were probably prisoners of conscience; searches without warrants of the homes of opposition supporters; and some shootings of suspected government opponents.

In November 2000, some days after the elections, the 18 CUF prisoners of conscience who had been arrested in 1997 and 1998 were finally freed by the new Zanzibar President. Their treason trial had never started. Some weeks before the elections the Tanzanian Court of Appeal had ruled the treason charges unlawful but they were not released -- their detention after the ruling of the Tanzanian Court of Appeal appeared to have been arbitrary and unlawful.

Several of the released prisoners went into hiding in fear of re-arrest and some fled to the relative safety of the mainland. Most were in poor health as a result of ill-treatment, harsh prison conditions and the denial of proper medical treatment in prison.

#### 5. The 27 January 2001 demonstrations

The CUF protests at the government's rejection of fresh elections culminated in plans for a day of demonstrations throughout Tanzania on 27 January 2001. The CUF national chairperson, Professor Ibrahim Lipumba, *a member of parliament and a former World Bank employee*, said the demonstrations would be peaceful, but the atmosphere was tense.

The demonstrations were to be held on 27 January 2001 in Zanzibar town, three towns on Pemba island (where the CUF claimed strongest support), and in Dar es Salaam



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and other mainland towns. In the period up to and during the demonstrations, police and military personnel committed a wide range of human rights violations. Hundreds of political prisoners, including prisoners of conscience, were arrested. At least 22 and possibly more than 60 people were shot dead by members of the security forces in circumstances suggesting unlawful use of lethal force. Hundreds were said to have been subjected to torture, including rape, and to sexual abuse amounting to torture or cruel, inhuman or degrading treatment, in violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 5 of the African Charter on Human and Peoples' Rights, to both of which Tanzania is a state party.

The government and police declared the demonstrations illegal under the Political Parties Act (1992), which allows the police to refuse an application to hold a demonstration or procession on the grounds that it will lead to a disturbance of the peace. The authorities accused the CUF of planning violence and being connected to bomb blasts in the islands, which the CUF denied. The government appealed to the CUF to cancel the demonstrations, which the CUF refused to do. One CUF official in Pemba told Amnesty International that he had applied for permission to hold a demonstration within the terms of the Political Parties Act, which required him to write to the authorities informing them of their intentions and plans 48 hours in advance. He said that he received no reply to the application, which he took to mean consent. However, the CUF did not challenge the ban in either a mainland or Zanzibar court. Tension in Zanzibar in particular was high, with widespread fears that there would be violent confrontations.

On 25 January 2001, two days before the planned demonstrations, police arrested CUF officials in Dar es Salaam, reportedly beating them severely. On 26 January and in the early morning of 27 January, there were large-scale arrests and beatings of CUF officials and supporters in Unguja and Pemba. The EU Heads of Mission expressed deep concern at the arrests and beatings, stressing the right to peaceful assembly, and urged all parties to exercise restraint and avoid provocative action.<sup>5</sup>

The demonstrations went ahead on 27 January 2001, led by the CUF but including mainland-based opposition parties such as the Tanzania Labour Party, NCCR-Mageuzi, the United Democratic Party and Chadema. They were all demanding a re-run of the October 2000 elections in Zanzibar, reform of the Zanzibar Electoral Commission and also revision of the Union Constitution.

Amnesty International considers the ban on holding demonstrations and subsequent charges of illegal demonstration and assembly may have been in

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<sup>5</sup>The Guardian (Dar es Salaam), 27 January 2001.

contravention of Tanzania's obligations as a state party to the ICCPR, Article 21 of which states that:

*"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."*<sup>6</sup>

### **5.1 Dar es Salaam and mainland Tanzania**

In Dar es Salaam on 25 January, the CUF chairperson Professor Ibrahim Lipumba, the CUF member of the Union parliament Frank Magoba and the CUF deputy director for human rights Ernest Lyanga, were among nearly 50 CUF officials and supporters who were beaten by armed riot police (known as the Field Force) and arrested at a meeting. Police fired tear-gas and shot in the air. Journalists at the scene were also beaten. Some opposition supporters threw stones and police said that several officers were injured and some police vehicles were damaged. They later charged 44 people with holding an illegal meeting. The prisoners were taken to court the next day and remanded in custody, but released a few days

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<sup>6</sup> The right to peaceful assembly and association is also enshrined in Article 20 (1) of the Universal Declaration of Human Rights (UDHR).

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later with heavy bail conditions.<sup>7</sup> Professor Lipumba appeared in court limping and with a bandaged arm. Some of those charged, including Professor Lipumba, appear to have been prisoners of conscience.

The demonstration went ahead in Dar es Salaam on 27 January but turned violent after a peaceful start. Armed police reportedly beat demonstrators with thick, long wooden batons known as *rungus* after shooting in the air and firing teargas. Police arrested at least 100 people, 40 of whom were taken to court on 29 January, charged with forming an illegal procession and released on bail. The others were apparently released some days later without charge.

There were also reported arrests after smaller demonstrations in other regions on the mainland, including Mwanza and Kagera.

## 5.2 Pemba

In Pemba on 27 January, there were demonstrations which reportedly began peacefully with some thousands of people in each location in the capital of Chake-Chake, in Wete and Micheweni. Opposition sources reported that members of the Zanzibar Police Force, reinforced by Union riot police (the Field Force Unit) from the mainland and a police helicopter, together with soldiers of the Tanzania People's Defence Forces (the Union army) and members of the Zanzibar "special anti-smuggling unit" (KMKM, also known as the

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<sup>7</sup>Bail for Professor Lipumba was reportedly set at 20 million Tanzanian shillings (over US\$185,000 equivalent).

*Marine Guard*), killed demonstrators and tortured suspected opposition supporters on the island. The security forces, reportedly armed with pistols, rifles and sub-machine guns, are alleged to have shot dead at least 22 demonstrators, made mass arrests, and searched and damaged the homes of CUF supporters. They reportedly beat women and children, committed torture including rape and sexual violence (especially in the Chake Chake area), and looted and damaged household property.<sup>8</sup>

In Micheweni, the demonstration was said to have been met by tear-gas and then indiscriminate use of live ammunition without advance warning. Police chased and tried to arrest the fleeing demonstrators, reportedly shooting some in nearby swamps. Some people were reportedly shot from a police helicopter called from the mainland to reinforce local police.

In Wete, according to testimony given to Amnesty International, police fired into the air and shot tear-gas into the crowd. As the crowd advanced, they used live ammunition, some police firing from roof-tops, others chasing demonstrators through the town, surrounding particular areas and arresting suspected opponents. Police erected roadblocks, stopped ambulances and ill-treated wounded demonstrators being taken to hospital, threatened patients in hospital, arrested people in their homes or when visiting relatives in custody or in hospital, and arrested wounded patients on their discharge from hospital. At least two patients were said to have died in Wete hospital. There were sporadic incidents of shootings and beatings the next day, when people were ordered to stay at home, and on the following days.

In Chake Chake, police reportedly fired in the air, shot tear gas into the crowd, then used live ammunition as the crowd continued to advance peacefully. There were similar allegations of arbitrary arrests, beatings, rape and sexual abuse of women, damage to property and theft by members of the security forces.

*Several hundred people arrested on Pemba island were reported to have been beaten with rungas at the time of arrest and also later in police vehicles and at police stations while being interrogated. Scores of victims were left with broken arms and legs. Women prisoners*

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<sup>8</sup>The Appendix contains a selection of testimonies to Amnesty International's delegates.

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were reported to have been stripped naked in front of male as well as female police officers, and beaten and verbally abused.

From the police stations they were taken to court within a day or two, as required by the law, remanded in custody without any opportunity to complain about their treatment or speak to a lawyer or relative, and sent to prison. They were sent to Wete prison where they were reportedly forced to strip naked, beaten between two lines of prison guards wielding canes, and made to “jump like a frog” (*kichura* in Kiswahili<sup>9</sup>) -- squatting with bent knees and jumping forward, a painful punishment, especially for those who were unfit. They were held incommunicado in overcrowded cells, locked up nearly 24 hours a day and given very little food.

According to international standards, detained and imprisoned people must be allowed to communicate with the outside world, subject only to reasonable conditions and restrictions.<sup>10</sup> The practice of incommunicado detention also facilitates torture, ill-treatment and "disappearances". The UN Special Rapporteur on Torture has called for a total ban on incommunicado detention, stating that:

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<sup>9</sup>*Kichura* is a common form of cruel, inhuman and degrading punishment of prisoners in Tanzania practised by police when arresting demonstrators or by prison officers in prisons.

<sup>10</sup>Principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles).

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*"Torture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention."*<sup>11</sup>

Prisoners who had been injured as a result of bullet wounds or torture were sent to the local hospital in Wete, where they were kept under armed guard, chained to beds, and constantly harassed by armed police. The most serious cases were transferred to hospital in Mkoani in southern Pemba where over 20 patients, including two women, were held under armed guard and in most cases chained to their beds. At least two died en route. Hospital staff at Mkoani attempted to protect their patients.

By the time International Committee of the Red Cross (ICRC) officials were allowed access to police stations and the prison in Pemba in late February 2001, as an extension of their long-standing visiting program for political prisoners in Zanzibar Central Prison, the torture had reportedly stopped.

### **5.3 Zanzibar town (Unguja island)**

On Unguja island, arrests of CUF officials and supporters began the day before the 27 January demonstration and early in the morning of the demonstration. In Zanzibar town those arrested and beaten included Mohamed Ali Yusuf, Hamad Masoud Hamad and Said Miraji -- all at various times CUF human rights officers. Many reported being tortured in custody. Those arrested were probably all prisoners of conscience. In Zanzibar town on the same day, police reportedly shot dead the Imam of Mtendeni mosque, Seif Juma, and also shot and wounded a trader, Juma Mohamed Khamis, when they ordered people to disperse after Friday prayers.

At the demonstration in Zanzibar Town on Unguja, the police ordered demonstrators to lie face down and reportedly beat them severely before taking them to police stations. *All the prisoners were held incommunicado, taken to court within a day or two, and charged with demonstrating illegally.*

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<sup>11</sup>Report of the UN Special Rapporteur on Torture, UN Doc. E/CN.4/1995/434, para 926 (d).

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They were refused access to lawyers and remanded to Zanzibar Central Prison for two weeks.

In prison, like those arrested in Pemba, they were subjected to *kichura*, forced to strip naked, beaten by prison staff, and whipped with canes and electricity cable. There were held incommunicado in overcrowded cells. Some were taken to hospital after delays. The torture had reportedly stopped by the time officials of the ICRC were allowed to visit the prison.

#### **5.4 Court hearings**

Within the statutory two weeks' limit on remand, while they were held without access to a lawyer<sup>12</sup> or to their families, the detained demonstrators in all localities, as well as those arrested before the demonstrations, were taken back to court. Nearly all those arrested, numbering some hundreds altogether, were granted bail and released. Harsh bail conditions and expensive sureties required by magistrates (which were later reduced) prevented some prisoners, particularly in the poorer parts of Pemba, from meeting the bail conditions at first.<sup>13</sup>

All these charges are now reported to have been dropped following the 10 October CCM/CUF agreement.

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<sup>12</sup>There is only one defence lawyer in the whole of Pemba island, a former magistrate, who represented many of the accused.

<sup>13</sup>In Pemba, magistrates typically required defendants to pay a cash bond of 100,000 Tanzanian shillings (US\$100 equivalent) and two sureties of immovable property to the value of 500,000 Tanzanian shillings each (US\$400 equivalent), reportedly requiring also that they pay a court-appointed valuer 10 per cent of the amount for the valuation. The guarantor would forfeit the bond or surety if the accused failed to attend court.

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In Pemba, 18 of those arrested were charged with murder. They were accused of taking part in the killing of a police officer, Haji Muslim Simai, who was reportedly caught and attacked at the demonstration when his ammunition ran out. Some of the 18 accused, including a member of the Zanzibar parliament, Ahmed Seif Hamadi, who was badly beaten on arrest, and his brother, Suleiman Seif Hamadi, a CUF official, had not even been at the demonstration, because they had been among scores of CUF party leaders arrested the day before and held in police custody throughout the demonstration. The 18 were refused bail and remanded in custody in Wete prison.

Amnesty International believes that most of these 18 prisoners were prisoners of conscience imprisoned on account of their opinions and that there were no grounds for the serious criminal charges against them. This belief was apparently vindicated when, on 28 May, the Zanzibar Attorney General ordered the release of 17 of them (including Ahmed and Suleiman Seif Hamadi) saying that they had no case to answer. One was kept in custody for further investigation, while three other people who had fled to Shimoni in Kenya (see below) were named as wanted by the police as murder suspects. No date has been set for the trial. If it goes ahead, Amnesty International would be concerned about the political context of the case and that the accused should have a fair trial in accordance with international standards.

### **5.5 Conflicting accounts and the need for an independent inquiry**

The Union government said at first that there had been 19 deaths during the demonstrations, including one police officer who was killed,



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but revised this upwards to 23 when others of the wounded died in hospital. It said that 82 had been wounded (including 10 police officers). The government reported a total of 352 people arrested in Zanzibar.

As these figures have been disputed, Amnesty International believes that independent and impartial investigations are needed to verify the figures. There has been continuing intimidation by the security forces and the government has failed to make public the names and details of those killed. The CUF claimed that some 67 people were killed in connection with the demonstrations, most shot dead at and after the demonstrations (but some beforehand), and that hundreds were wounded by bullets or suffered serious injuries from torture. Some international news media<sup>14</sup> had estimated the number killed as at least 33, while an estimate of 32 people killed was made by the *Federation internationale des droits humaines*, FIDH, International Federation for Human Rights, in June 2001, when it publicly called for an independent inquiry.<sup>15</sup> It appears that the numbers of those killed, wounded or arrested could be higher than the official numbers.

The Tanzania and Zanzibar governments said that the demonstrators aimed to over-run police stations and seize police weapons, which in fact did not happen. They made accusations that the CUF is a “terrorist” organization. Police displayed machetes

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<sup>14</sup>For example, *Agence France Presse*, 8 February 2001.

<sup>15</sup>“Wave of violence: a fact finding report on police brutality and election mismanagement in Zanzibar”, FIDH, Paris, published jointly with the Legal and Human Rights Centre, Dar es Salaam, 7 June 2001.

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allegedly taken from demonstrators. Police said that they fired first tear-gas and rubber bullets, then live rounds in the air to disperse the protestors before firing at the legs of demonstrators. These claims are in direct conflict with eye-witness testimony received by Amnesty International of shootings without advance warning or prior measures, and deliberate shootings of civilians in situations away from any violent confrontation. The government said some of the killings were in self-defence when CUF members surrounded police and attempted to snatch their guns<sup>16</sup>.

A number of allegations and rumours circulated in the immediate aftermath of the demonstrations. These rumours were fuelled in part by the police closure of the town to journalists and other investigators for several weeks. Amnesty International's delegates were thus unable to visit the town. Amnesty International, however, could find no evidence to substantiate allegations that unacknowledged shooting victims in Micheweni had been buried secretly in mass graves or that a boatload of fleeing Pembans drowned after being shot at by a police helicopter. It was impossible in the time available for Amnesty International's delegates to evaluate claims about "missing persons" from the area: many people had fled to other parts of Pemba or to Kenya but most reportedly subsequently contacted their families.

On 14 February 2001 the Union Minister of Home Affairs took a delegation of 24 members of the Union parliament and some

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<sup>16</sup>The Guardian (Dar es Salaam), 1 February 2001.

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journalists on a short visit to Pemba. However, their visit was closely monitored and the five non-CUF opposition members and journalists in the group were unable to investigate the situation independently.

The violations received widespread media coverage and attracted international expressions of concern, including from the EU, United States and other diplomatic missions in Tanzania, and from the Organization of African Unity (OAU). Amnesty International made numerous urgent appeals to the Tanzanian and Zanzibar authorities, and international and Tanzanian NGOs strongly criticised the human rights abuses.<sup>17</sup>

Excessive force was criticised in a United States embassy statement on 29 January 2001<sup>18</sup>, and in a statement by the EU on 31 January 2001<sup>19</sup>, which condemned the killings and other human

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<sup>17</sup>For example, Human Rights Watch, Article 19, the Tanzanian Legal and Human Rights Centre, and the Zanzibar Legal Services Centre, which together with the Legal Aid Committee of the University of Dar es Salaam had been providing training courses for the police in law and human rights.

<sup>18</sup>The US embassy statement of 29 January 2001 said that the excessive use of force by the police and other security units was unjustifiable. It expressed deep concern that the manner the authorities chose to deal with the demonstrators led to a significant number of deaths. The statement also condemned those who encouraged the demonstrations to go forward, saying they were unable to restrain their supporters from carrying out acts of provocation and in some cases attacks on the police force (The African newspaper, 30 January 2001).

<sup>19</sup>The EU, represented by the ambassador of Sweden, which held the EU Presidency, said: “*The EU has followed recent developments in Zanzibar and in mainland Tanzania with dismay, and deeply regrets all loss of life. The EU condemns the killings, assaults, mass arrests and the human rights abuses carried out by the security forces against civilians exercising their constitutional right to peaceful assembly. The confidence of the international community in Tanzania has suffered a serious setback. If the excessive use of force and human rights abuses committed by the security authorities continue, this will inevitably have an impact on the EU’s relations with Tanzania. The EU urges the Government of Tanzania to take immediate and concrete steps to peacefully resolve the crisis, with full respect for the rule of law and human rights. The EU calls on the Government of Tanzania immediately to stop the violent actions of the security forces, and on all parties to abstain from political violence and to enter into a dialogue with the aim of reaching acceptable solutions. The EU stands ready to assist in promoting a dialogue between the Government of Tanzania, the Government of Zanzibar and the opposition.*” (Agence Europe, 5

rights abuses. The EU embassies had sent an investigatory mission to Zanzibar shortly after the killings.

### **5.6 Rape and other sexual abuse of women**

Women were among those whose human rights were violated by the security forces. The CUF claimed that seven women were shot dead in the demonstrations and that several others had bullet wounds. Allegations of rape were widespread, from CUF supporters, medical professionals who heard about cases from other patients, and from journalists.

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February 2001). The Norwegian government expressed deep concern about police brutality and other diplomats (for example from Japan and the Netherlands) publicly expressed concern (The Guardian, Dar es Salaam, 1 February 2001, The African, Dar es Salaam, 30 January 2001).

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Amnesty International delegates, who included a women's rights defender from a Kenyan non-governmental organization, heard of several cases of rape<sup>20</sup> and many incidents of sexual abuse of women by police after the demonstrations in Zanzibar, when police forcibly entered and searched CUF supporters' homes without warrants, beating those they found, including women. Several women interviewed by Amnesty International delegates reported a pattern of sexual abuse as well as torture or ill-treatment in custody. Several rape cases were reported to have been perpetrated in the Chake Chake area of Pemba, in particular. Rape victims allegedly included children and women over 50 years old.

Amnesty International's delegates were told that women were generally refusing to admit or report rape to the police or even to seek medical treatment or HIV/AIDS testing, out of fear of police reprisals or of family or social ostracism. Equally, the male relatives of rape victims kept up the wall of silence to avoid bringing dishonour on the family.

Amnesty International was told of several instances of women in Pemba being forced by police to strip at their homes, including one woman who was pregnant. Some women reportedly escaped rape by paying bribes to the police. Women arrested were forced to strip in custody in front of male officers.<sup>21</sup> In the women's prison, they were

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<sup>20</sup>See, for example, the testimony included in the Appendix.

<sup>21</sup>International standards require that personal and body searches of detainees or prisoners should be carried out by people of the same sex and in a manner consistent with the dignity of the person being searched (UN Human Rights Committee General Comment 16, para. 8).

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also subjected to beating, verbal abuse and other ill-treatment. Some were amongst those admitted to hospital with bullet wounds or torture injuries.

Amnesty International was told by women interviewees that victims of rape and sexual abuse would be willing to come forward and give testimony, confidentially or even perhaps openly, if there was a genuinely independent and impartial inquiry, and if its work was conducted with due understanding of gender-sensitive issues.

#### **5.7 Use of lethal force**

The Amnesty International delegation heard eyewitness evidence that the demonstrations on 27 January 2001 had started peacefully and without violent intent by the CUF. Stones were thrown at police in Pemba but it was not possible for Amnesty International to establish the precise chronology of events, when the shooting started or when and how a police officer was killed in Wete. Zanzibar state television portrayed the demonstrators as violent by broadcasting a video-tape showing a CUF women's organization official, charged initially with murdering the police officer, holding a machete. She later told Amnesty International that she was video-taped in police custody and had been tortured and threatened to make her admit to violent intent and pose with a machete. She was later released on bail to await charges of possessing a machete and damaging government property. Amnesty International believes she may have been a prisoner of conscience imprisoned solely for her peaceful political activities.

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The Amnesty International delegation received considerable eye-witness testimony indicating that many of the killings by the security forces may have been unlawful. While there clearly was some violence by demonstrators and damage to property, several demonstrators and others not in the demonstration were reportedly killed in circumstances in which there was no immediate danger to the lives of the security forces.

International human rights standards such as the Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms prohibit the use of lethal force and firearms except in carefully prescribed circumstances. Principle 9 of the UN Basic Principles on the Use of Force and Firearms states that:

*"Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."*

Amnesty International recognizes that the murder of the police officer in the Wete demonstration indicated the serious risk to police officers in certain circumstances. However, in some of the incidents of use of lethal force, police reportedly began shooting at some

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distance from the demonstrators and without any violent or potentially violent confrontation. Amnesty International believes that in some of the incidents where police shot people dead, the conditions for the use of lethal force were not met.

The government's account of the circumstances of the 22 deaths it reported has been meagre, with no names provided, or details of when, where or how they died. Evidence from medical professionals as well as patients and their families indicates that the majority of bullet wounds suffered by demonstrators were not in the legs, as the government claims, but in the head, upper body, back and buttocks -- some were evidently shot from behind when fleeing. No inquest has taken place on any of the bodies of the deceased, only some of which were taken to government hospitals or mortuaries -- the mortuary facilities in Pemba are particularly poor. Some bodies were buried secretly by families, for fear of police victimization. In general, there were no formal procedures followed in Zanzibar known to Amnesty International for identifying or reporting deaths in these incidents, or investigating them forensically or judicially.

## **6. Zanzibari asylum-seekers in Kenya**

As a result of the shootings in Pemba, hundreds or more fled to the forests and later by boat to the port of Shimoni in Kenya -- some to obtain medical treatment for bullet wounds. They feared arrest, torture and extrajudicial execution in Pemba. In the case of those wounded by police bullets, they said they feared being killed on the



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spot by police or being arrested and left to die in custody without medical treatment. In Kenya they applied for asylum. Over 30 were treated for bullet wounds at a hospital in Msambweni, between Shimoni and Mombasa. Amnesty International interviewed seven patients being treated for bullet wounds. One patient had his leg amputated as a result of a diabetes-related infection, and others who were recuperating nearby after being discharged included a 16-year-old youth, the son of a police officer, who had not been demonstrating but was shot by police nearby.

In meetings in Kenya with some of these asylum-seekers (who included 17 Zanzibar opposition members of parliament), they told Amnesty International delegates that they had decided to flee to Kenya and not to a Tanzanian mainland port because they were afraid that the Tanzanian authorities would forcibly and without due process return them to custody in Zanzibar. The Kenyan government initially let them stay in Shimoni while it considered their asylum applications and the views of the Office of the UN High Commission for Refugees (UNHCR). The Tanzanian government meanwhile pressed for their return.

From the start there were conflicting statements from the Union and Zanzibar authorities as to whether the refugees, who finally numbered about 2,300, would be prosecuted if they returned.<sup>22</sup> Amnesty International was concerned that they could be at risk of arbitrary political imprisonment or becoming prisoners of conscience, unfair trials and torture or cruel, inhuman or degrading treatment, if they were returned to Zanzibar. As tension declined in Zanzibar in March and April, the risks were reduced, but Amnesty International considered that the conditions for safe return should include a firm, written and public guarantee of no persecution, with appropriate monitoring of safe return and implementation of safeguards. Amnesty International maintained that statements by public officials should guarantee respect for human rights, release of prisoners of conscience, withdrawal of charges against peaceful demonstrators, steps to remedy abuses committed by the security forces, and fair trial for anyone charged with a recognizably criminal offence in connection with the demonstrations.

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<sup>22</sup>Zanzibar's President Karume reportedly said the government would "hunt down" the CUF leaders who organised the demonstrations (The Guardian, 29 January 2001), but State House in Dodoma later issued a statement that those in Kenya could return safely.

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The Kenyan government granted temporary permission to remain in Kenya to the asylum-seekers, whom UNHCR declared were within their mandate. They were treated well, allowed to move freely in Shimoni and given basic subsistence facilities in a fenced-off area at the small port, with assistance from some local non-governmental organizations (NGOs) including Muslim associations and the Kenya Red Cross. In late April 2001 the Kenyan authorities transferred over 500 of the Shimoni refugees to the remote Dadaab refugee camp near the border with Somalia, against UNHCR advice and despite their complaints about the poor facilities and harsh environment. In the light of the improved situation in Zanzibar, a voluntary repatriation agreement was signed in May 2001 by the governments of Kenya and Tanzania and by UNHCR, after the Tanzanian Minister of Home Affairs had announced that those who returned would not be prosecuted, except for three persons wanted in connection with the killing of the police officer in Wete or with a later unrelated murder of a CCM official in Pemba in mid-February. UNHCR said the three suspects would remain under their protection as asylum applicants.

The agreement led to the voluntary return to Zanzibar of the remaining 700 refugees in the Shimoni camp and the closure of the camp. All the other asylum-seekers appeared to have left the camp on their own initiative. In June 2001 UNHCR announced that it was registering the Zanzibari asylum-seekers refugees in Dadaab camp for repatriation in the coming weeks. It said that no returning refugee had been prosecuted in connection with the demonstrations on return to Zanzibar although some were facing charges for other alleged minor criminal activities. Most refugees have now returned.

#### 7. Re-arrest of two former treason trial prisoners in February 2001

By late February 2001 it seemed that the tensions in Zanzibar were cooling. Private talks between party officials of the CCM and the CUF took place. An opposition demonstration was allowed in Dar es Salaam on 7 February where Professor Ibrahim Lipumba (who had been released on bail) addressed a peaceful crowd estimated at several thousands and including other opposition parties. There were no arrests or violence. CUF meetings and rallies were also later allowed in Unguja and Pemba.

Two of the released treason trial prisoners of conscience -- Juma Duni Haji, Deputy Secretary General of the CUF and a former vice-presidential candidate, and Machano Khamis Ali, a member of the CUF central committee and its director for security, who is a former assistant police commissioner and former member of the Zanzibar parliament -- chose the occasion of a court hearing on 23 February 2001 of

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the armed robbery case against the CUF Secretary General Seif Sharif Hamad (*see above*) to come out of hiding and surrender to the police. As expected, the two were arrested, taken to court the next day, charged with participation in an illegal demonstration (their cases being joined to an existing group case of 93 others), and remanded in custody. The charges against the two were withdrawn three days later on 26 February. It had been expected by most observers that, because talks between the CCM and the CUF leaders were de-escalating the crisis, releases of most or all prisoners and withdrawals of charges were imminent.

However, both men were immediately re-arrested outside the court, and new charges of murder were unexpectedly laid against them. They were accused of the murder of the police officer who was killed in Wete in Pemba and they were remanded in prison. They were put into a cell with murder suspects and denied visits and food from home (though this had previously been allowed when they were detained on treason charges). The police prosecuting them reportedly wanted them moved to Wete prison in Pemba but the court granted a temporary stay on a defence legal motion -- their lawyer expressing fears that they could be tortured in Pemba, as other prisoners had been.

Amnesty International was concerned that the new charges were issued without any credible grounds, for the purpose of keeping them in prison on a non-bailable capital charge and politically silenced for a longer period. They appeared to have been arrested for the non-violent exercise of their political beliefs and as such to be prisoners of conscience. There was no evidence known to Amnesty International to substantiate the charge of murder -- they had reportedly been in Unguja on 27 January 2001, and indeed had been originally charged with participating in the demonstration in Zanzibar town on that same day.

Their prison conditions improved in the following days after protests by their lawyer and by Amnesty International and others. On 28 May the Zanzibar Attorney General instructed the police to withdraw the charges and release them, at the same time as he withdrew the charges against the prisoners in Pemba charged with murder (*see above*) on the grounds that there was insufficient evidence against them. However, with regard to Juma Duni Haji and Machano Khamis Ali, the police prosecutor requested a postponement of the implementation of this order and told the court he needed further information about the Attorney General's instruction. The two were finally released without charge on 15 October following the signing of the CCM/CUF agreement.

8. Events since Amnesty International's visit

*Since its visit to Zanzibar in February 2001, Amnesty International has been monitoring the human rights situation. The crisis has been apparently defused and there has by and large been no repeat of such serious human rights violations. Talks between the CCM and the CUF concluded in an agreement on 10 October 2001 which included a number of proposals to address human rights issues.*

*There were some further arbitrary detentions and beatings of CUF supporters which Amnesty International has raised in letters to the authorities. As noted above, all charges against the 27 January demonstrators and against Juma Duni Haji and Machano Khamis Ali have now been dropped.*

9. Impunity

*Amnesty International is concerned at the lack of human rights accountability surrounding the violence by the security forces in relation to the demonstrations of January 2001. Any inquiry should clarify the conflicting accounts of the incidents and those found responsible for human rights violations should be brought to justice. There should be no impunity for the serious violations which have been committed. If there is impunity, the violations could easily happen again. Without government initiative and cooperation in accordance with international standards, there can be little hope of finding out the truth, enabling the families of victims and the survivors, as well as the general public and the international community, to have a clear*

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record of what happened and providing justice and compensation for those whose rights were violated.

The question of impunity is extremely important for human rights in Zanzibar. For too long in Zanzibar, human rights violations have gone unpunished and have been repeated again and again.

The question of violations of human rights in Zanzibar has not been properly addressed by the Zanzibar government, nor by the Tanzanian government. The Union government has a clear responsibility, both under international law and its own constitution and laws. This responsibility is most direct in the chain of police command; the Zanzibar Police Force is under the command of the Tanzania Police Force and its Inspector General of Police. The Union provides a remedy for abuses by allowing a right of appeal from the deficient Zanzibar legal and judicial system to the Union Court of Appeal, but this remedy for injustice is slow, costly and difficult and has rarely been exercised. Zanzibar's police force has shown little respect for international and professional policing standards and accountability. Its prison service has also demonstrated little respect for the Standard Minimum Rules for the Treatment of Prisoners. One particular obstacle to the protection of human rights is that the Zanzibar judiciary has few qualified judges and lacks independence, and there are only a few qualified prosecutors and independent lawyers.

The Tanzanian government has long been aware of the need to provide redress for citizens against abuses by officials. Tanzania is

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*obliged as a State Party to the ICCPR to ensure "an effective remedy" for any person whose rights have been violated, "notwithstanding that the violation has been committed by persons acting in an official capacity"; and to ensure that any person claiming such a remedy shall have the right thereto "determined by competent judicial, administrative or legislative authorities"; and to "ensure that the competent authorities shall enforce such remedies when granted."<sup>23</sup>*

*Amnesty International has noted that the question of redress and impunity also arose in the recent debates on constitutional and legal reform and human rights, as a result of which the government proposed a Commission of Human Rights and Good Governance to replace the Permanent Commission of Enquiry. NGOs commented critically on the bill and called for guarantees that the Commission would have adequate independence and impartiality. The Commission was established in law in April 2001 and is currently being set up. Units for Human Rights and Governance have also apparently been established within the Tanzania and Zanzibar governments.*

*Amnesty International will be watching with interest to see whether the Commission, will conform to the international standards applicable to National Human Rights Institutions<sup>24</sup> and whether the authorities in Zanzibar will recognize the legitimate role of human*

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<sup>23</sup>ICCPR Article 2 (3).

<sup>24</sup>The international standards for National Human Rights Institutions are known as the Paris Principles, which were adopted in Paris, France, and endorsed by the UN General Assembly (resolution 48/134 of 20 December 1993). They were published by the UN Centre for Human Rights in its Professional Training Series, "National Human Rights Institutions", Geneva, 1995.

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rights defenders. The Zanzibar Association for Human Rights, for example, has up to now had its applications for registration continually rejected.

While Amnesty International welcomes the establishment of national bodies to investigate and remedy human rights violations, their creation does not remove the necessity to hold a special inquiry into the 27 January 2001 demonstration incidents nor the responsibility of the authorities to bring the perpetrators of human rights violations to justice.

10. Amnesty International's recommendations to the Governments of Tanzania and Zanzibar

10.1 The necessity for a fully independent and impartial inquiry

Amnesty International welcomes reports that the CCM/CUF agreement includes the formation of an independent commission of inquiry into the events surrounding the demonstrations of 27 January 2001 and urges that such an inquiry:

- is carried out in an independent, prompt and thorough manner;
- is carried out in accordance with international standards for such inquiries, including the International Covenant on Civil and Political Rights (ICCPR) and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

- provides guarantees that witnesses are able to give evidence without fear and with protection against any reprisals;
- publishes its report without undue delay;
- ensures that any public officials alleged to have been responsible for human rights violations are brought to justice.

### **10.2 Torture**

Steps should be taken by the Tanzanian and Zanzibar governments to demonstrate commitment to eliminate torture, particularly in Zanzibar, and they should:

- publicly declare that torture is a serious crime which will be severely punished;
- end incommunicado detention, which facilitates torture;
- allow immediate access to prisoners by lawyers and family, regular access to medical doctors of the prisoner's choice and adequate medical treatment;
- establish a mechanism which allows complaints of torture to be made and independent investigations to be carried out promptly;
- inform law enforcement officials in their training that they have a right and duty to refuse to obey any order to carry out torture.

### **10.3 Use of lethal force**

The Tanzanian and Zanzibar governments should:



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- ensure that any member of the police or security forces found responsible for unlawful killings is brought to justice;
  - develop non-lethal means of responding to violence in demonstrations;
  - ensure that police and security forces are trained to refrain from using violence, except in exceptional circumstances as set out in Principle 9 of the UN Basic Principles on the Use of Force and Firearms;
  - adhere to international standards for inquest procedures where people have died at the hands of members of the security forces.

#### **10.4 Rape and sexual abuse of women**

Rape is a form of torture, and sexual abuse can amount to cruel, inhuman or degrading treatment. In addition to implementing the above recommendation on torture in cases of rape and sexual abuse, the government should ensure that the inquiry into the events of January 2001 includes investigations into reports of rape and sexual abuse, respecting the gender-specific sensitivities of such investigations. Measures to prevent and punish rape and sexual abuse should include the following:

- police, prison and other security forces personnel must be explicitly informed that anyone who commits rape or sexual abuse of women should be promptly brought to justice and, if convicted, face penalties commensurate with the crime but excluding the death penalty;

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- women prisoners should be supervised by women members of staff in accordance with rules 8 (a) and 53 of the Standard Minimum Rules for the Treatment of Prisoners;
  - women security personnel should be present during interrogation of women detainees;
  - an independent complaints mechanism for detainees who report rape or sexual harassment should be set up, with guarantee of protection from threat, reprisals or any other form of intimidation;
  - complaints of rape by state officials must be investigated promptly and independently and anyone found responsible brought to justice;
  - medical examinations by a woman medical doctor should be provided immediately for any woman alleging rape;
  - victims should be provided with adequate reparation including compensation and appropriate medical care;
  - gender-sensitive training should be introduced for police and prisons officers.

### **10.5 Prisoners of conscience and other political prisoners**

Amnesty International welcomes the release on 15 October 2001 of prisoners of conscience Juma Duni Haji and Machano Khamis Ali. The organization also welcomes the withdrawal of all charges of participating in an illegal demonstration against several hundred other people. Amnesty International calls on the Tanzanian and Zanzibar government to:

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- declare that no-one should be imprisoned as a prisoner of conscience on account of the non-violent expression of their opinions or their peaceful political activities;
  - ensure that anyone accused of offences connected to the demonstrations is charged with a recognizably criminal offence and given a fair and prompt trial in accordance with international standards;

#### **10.6 Reparation for abuses**

The two governments should also address the issues of reparation for abuses such as torture, rape and sexual abuse, as required by the ICCPR. This could be in the form of compensation, restitution or other means.

#### **10.7 Cooperation with the UN's human rights mechanisms**

Amnesty International requests improved cooperation by the Tanzanian Government with the various human rights mechanisms of the UN which are relevant to these issues, by taking the following steps:

- ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ratification of the Optional Protocol to the ICCPR which allows individuals to make complaints to the Human Rights Committee;
- support for the UN Declaration on Human Rights Defenders (in full, the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and

*Protect Universally Recognized Human Rights and Fundamental Freedoms) and recognition of the legitimacy and need for protection of human rights defenders);*

- *submission of overdue reports on its observance of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child;*
- *implementation of the concluding observations of previous treaty bodies, including the Human Rights Committee (1998).*

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## APPENDIX

### *Selected Testimonies*

This is a selection of interviews conducted by Amnesty International mission delegates in Zanzibar in February 2001, containing descriptions of imprisonment, torture including rape, and shootings. All of those arrested were prisoners of conscience. Names have been removed.

*1. Former Tanzanian army officer and CCM official, later a founder-member of the CUF and a member of the CUF central committee, released on bail with charges still pending.*

*"I was arrested in Chake Chake on 25 January [two days before the demonstration] and taken to Chake Chake police station where I was questioned in connection with the bombing of a CCM office on 16 January -- when I was out of the island. I was taken to Wete prison after being charged with organizing the demonstration. There were 25 or 30 prison officers with sticks in their hands. They beat us cruelly, as if we were animals. They ordered us to take off our clothes and continued to beat us, completely naked. Then we had to put our clothes on and sit down and we were beaten again.*

*"After some minutes the Warrant Officer came out and told them it was enough. They put us in different cells. In my cell there were 23 people in a cell for six or eight. There was no space to sleep and even now I suffer from leg strain as a result. We were locked up*

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for 24 hours a day, except for going out for food twice a day and going to the toilet for 15 minutes in the morning -- for the rest of the day there was a bucket in the cell. The food was poor and we had to sleep on the cement floor. There were a lot of mosquitoes. There was no doctor, even though some had serious illnesses..."

*2. Former CUF Director for Human Rights, released on bail, charges still pending.*

"I was arrested in Zanzibar town at 6:00 am on 27 January on my way to visit someone in hospital. I was arrested with four other CUF activists. We were taken to Madema police station. All of us were beaten separately with *rungus* (long wooden batons) and then forced to watch the others being beaten. One was beaten until I thought he was nearly dead. They said we were being beaten for speaking publicly against the government and criticizing them for violating human rights. They also said it was because we had been attending the treason trial and commenting on it. It was a matter of revenge.

"Eight officers beat me until I was paralyzed and couldn't walk, though I was conscious with my eyes open. We were all sent to hospital after a delay of five hours. One had a broken arm, another needed stitches and the other had a big wound on his head. I had an X-ray, was put on a drip and given injections. Four armed police guarded the ward but the doctors refused to allow them into the ward. The doctors also refused to discharge any of us as the police were just waiting to arrest us.

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“I gradually recovered but requested to be discharged before I was fully well, so that the police would see I was not well and not detain or torture me again. Even so they took me to the police station, held me for three hours – during which time my lawyer saw me – and finally released me on police bond, with orders to report regularly to the police.”

*3. Former member of the Zanzibar House of Representatives, released on bail, charges still pending.*

“I helped to organize the demonstration in Micheweni on 27 January. We instructed that there should be no shouting or placards or damage to property, and no weapons carried. We asked people to wear a white band on their right arm. The leaders were at the front. No-one was allowed to carry stones or a machete. We did not expect shooting or use of force -- we saw police on the way who stepped aside. The plan was to walk for two kilometers to Mbuyuni ground to listen to a speech from our leaders. A CUF official would read a statement that the CUF did not accept the elections and then we would go home. We had written to the police and district commissioner to inform them but we received no reply. They were supposed to reply to say whether they permitted the demonstration or not. We invited other [opposition] parties to join us and all participated.

“I was arrested at the demonstration in Micheweni and taken to the police station with three others. We were taken to court on Tuesday and charged with unlawful assembly and remanded for two weeks. We were taken to prison, stripped and beaten in line. Prison

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guards went up and down beating us all on the back with sticks like whips.

“There were nine certain deaths in Micheweni but possibly more. A helicopter was shooting at people. People ran off, some into the sea. Some are still in hiding.”

*4. Three patients in hospital in Kenya, two farmers aged 40 and 28, and a fisherman aged 20, all from Micheweni.*

They told Amnesty International that they were in the demonstration marching peacefully to Micheweni when police on the road suddenly started shooting without warning. They were wearing white arm-bands and no-one was carrying any sort of weapon. They were shot in the legs. They saw three other people at the front of the demonstration hit. Friends carried them away to safety. They said that two people near them were shot in the head and neck and apparently killed.

*5. Petty trader in Wete, married with a five-month-old baby and three children at school, also supporting a widowed sister's family with eight children.*

He told Amnesty International delegates that he was at the front of the demonstration in Wete and was among the first to be shot by police on the roof-tops, who fired without warning. He was hit by two bullets in his right foot. Friends picked him up and took him into the forest so that he would not be arrested or killed by police. After stopping the bleeding they put him in a small boat with other



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wounded people which crossed to Kenya from a secret location, reaching the small fishing port of Shimoni that evening.

In Msambweni hospital, doctors treated his wounds but also diagnosed diabetes, which created complications and infection requiring amputation of his leg. He was extremely worried about returning home safely and how he could support his family.

*6. CUF parliamentary candidate, formerly a Union Member of Parliament, arrested in Chake Chake, released on bail, charges still pending.*

"I was arrested in Chake Chake at 5:00 am on 27 January on my way to the mosque by 15 to 20 police, some from the mainland. They beat me brutally in the street with *rungus* on my head, body and legs. One pointed a gun at me and said, 'Today I have to kill someone and maybe you will be the first'. When I was being taken to Chake Chake police station, one police officer in the vehicle said, 'Why are we sending them to the court? These people should be killed'. But we were not beaten in the police station as the local Pemban police told the others that we were under their protection. I was sent to hospital the next day because of bleeding, and taken to court the following day. I was remanded in custody in Wete prison. I was charged with participating in an illegal demonstration.

"In prison we were lined up and made to squat inside a circle of prison guards who then beat everyone brutally, including a 15-year-old youth and an old man. Then they told us to take our

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clothes off, stay in line and jump like a frog (which they call *kichura* -- you have to squat down and jump forward, like a frog), while they beat us with *makora* whips. We heard women being beaten in their section of the prison.

"There were 200 of us, held in very small cells, 13 in a cell with a capacity of six or seven. Sleeping was difficult. We were locked up all the time except for early in the morning and for breakfast. We were insulted and abused to make us react and provoke a beating -- I remember one of them saying, 'We can finish you all off here'."

*7. Government employee, 60, arrested at home in Chake Chake: released on bail, charges still pending.*

"At 6:30 am on the day of the demonstration police broke into my home and beat me. I heard one of them say, 'Why ask questions? Just kill him'. They stole 150,000 shillings in

cash, 12 pieces of jewelry (mostly necklaces) belonging to my wife, and about 20 videos I had borrowed from my niece. They also damaged the roof of my verandah.

"I was arrested and taken to court and charged with being in an illegal demonstration. In prison I was stripped, made to sit down and whipped with sticks. Some people were seriously injured. We had to jump like a frog until we were exhausted, which was hard for the old and unfit. We were abused to make us react and get another beating."

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*8. Trader in Chake Chake, formerly a teacher, with two wives and eight children, wounded by a bullet in his right arm -- interviewed in Kenya after being discharged from hospital.*

According to his account to Amnesty International, he was in one of the groups walking in a procession to Chake Chake town at about 8.30 a.m., when they were stopped by police at Mkanjuni, two kilometres from the town. Police opened fire at a distance of about 40 metres. He was hit by a bullet and he went to his home, where he was arrested in the afternoon by police. He was beaten with *rungus* at the police station and cut with a bayonet, leaving his right hand badly injured. He was sent to Mkoani hospital in the south for medical treatment. He said armed police tried to enter the wards and threatened to kill the patients but doctors managed to keep them outside. He escaped after six days and reached Shimoni in Kenya some days later.

*9. Former CUF Member of the Union Parliament, aged 70, arrested on 27 January 2001 in Chake Chake, discharged from Mkoani hospital and released on bond on 20 February.*

"I was arrested at 8:30 am [on the day of the demonstration] when police broke into my house and accused me of having a movie camera, which I denied. I was beaten really badly until I was unconscious. I sustained a broken arm and my leg was bleeding. When I asked why they were beating me, they said: 'You are beaten because you are a CUF. You have to be punished'. They stole some of my wife's jewellery, a mobile phone and 2,500 shillings in cash.

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“They arrested me and took me to the police station where there were about 80 people held. Some of the others were in even worse condition than me -- one man had both his hands broken. They later took me to court and charged me with attending an illegal demonstration and making chaos. I had not even been at the demonstration because police had warned people off.

“Because of my bad condition I was sent to Mkoani hospital. I was so ill I couldn’t eat for seven days. The International Committee of the Red Cross visited me and sent medicine for me. I was discharged just yesterday, taken to court and released on bond. There are still 17 other people being treated there [as of 21 February].”

*10. A woman from Zanzibar town.*

She told Amnesty International that later in the day of the demonstration police were going round homes looking for men who had taken part in the CUF demonstration. They threw tear-gas into her two-roomed house, causing her children aged between five and 16 years to cry and scream in pain, and giving one a nose-bleed. She said that when the police entered the house and found her and her children alone and defenceless, they gang-raped her and her two teenage daughters, all within sight of each other. They ignored her pleas that she was five months pregnant, and one abused her, saying “What will you give birth to anyway -- an animal?” She said that there were similar incidents and rapes in other homes but women were silent because it was a thing that should not happen to any

*human being. It would make it impossible for the rape victim to get married and exposing it would worsen the shame and agony.*