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Public Statement

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Zimbabwe: Open letter from AI's Secretary General Irene Khan to President Robert Mugabe

Your Excellency,

I am writing to express my grave concern about the killing of **Gift TANDARE**, shot dead on 11 March 2007 by riot police while protesting the ban of public meetings. The ban was imposed by the Zimbabwe Republic Police (ZRP) from 20 February to 20 May 2007.

I am also gravely concerned by the reported torture of Movement for Democratic Change (MDC) and civil society leaders and supporters, including **Morgan TSVANGIRAI**, **Lovemore MADHUKU**, **Sekai HOLLAND** and **Grace KWINJE**, following their arrest and detention at Machipisa Police Station and other police stations on Sunday, 11 March 2007 in Harare, after they attempted to attend a meeting organised to protest a police ban of a prayer meeting. The meeting was organised by the Save Zimbabwe Campaign, a coalition of religious and civic organisations, in Highfields, Harare.

Approximately 50 activists, including leaders and supporters of the MDC and civil society, were arrested either at the venue of the prayer meeting or on their way to it, and detained. They were severely beaten during arrest and while in police custody. Many suffered broken limbs.

The organisation is also disturbed by reports that three people were later shot by police at Tandare's funeral wake in Glen View on 13 March. Police reportedly fired randomly at the mourners. Two of the three, **Nhamo RUSERE** and **Dickson MAGONDO**, were shot and needed hospitalisation, while a third, **Naison MASHAMBANHAKA** was grazed on the arm by a police bullet, and was not hospitalised. However, when Naison Mashambanhaka went back to the funeral wake later that day he was shot a second time on the same arm.

The government has repeatedly failed to investigate reported torture and excessive use of force by the police and to bring to justice suspected perpetrators.

I am also deeply concerned by the reported failure by police to comply with a High Court Order compelling police to facilitate the lawyers of those detained access to their clients as well as access to health care. Amnesty International has documented in the past cases where police disregarded court orders thereby effectively denying victims of human rights violations protection of the law.

Amnesty International believes that the three-month ban from 20 February to 20 May 2007 on demonstrations and public meetings is in breach of Zimbabwe's obligations to respect and protect the right to freedom of expression, association and assembly, enshrined in international and regional human rights treaties to which Zimbabwe is a party, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. The ban is also in breach of the Constitution of Zimbabwe. Furthermore, the very law that was cited to justify the implementation of such ban, Section 27 of the Public Order and Security Act, stipulates that public demonstrations can only be prohibited for a specified period 'not exceeding one month'.

Amnesty International is deeply concerned that Grace Kwinje and Sekai Holland, who were reportedly tortured by police following the events of 11 March 2007, have been prevented from seeking further medical attention in South Africa on Saturday 17 March 2007, when they were prevented from boarding an air ambulance and forcibly taken from Harare International Airport to Harare Central Police Station. There, their travel documents were confiscated and an ambulance was instructed to take Kwinje and Holland back to hospital where they were placed under police guard.

On Sunday 18 March 2007, Nelson Chamisa, national spokesperson for the MDC who was also beaten by police on Sunday 11 March, was attacked at Harare International Airport sustaining a fractured right orbit and a sub-conjunctival haemorrhage (under the lining of the eye) as well as multiple lacerations on the face.

Amnesty International is deeply concerned that the government of Zimbabwe has repeatedly failed to protect and respect the rights of citizens to engage in peaceful demonstration and to enjoy freedom of expression, assembly and association. The government has also failed to implement the recommendations contained in the resolution adopted by African Commission on Human and Peoples' Rights in November 2005 as well as those contained in the report of its 2002 Fact Finding Mission.

The events that started on 11 March represents a further deterioration of the human rights situation in Zimbabwe and require that the government take effective measures to bring to an end the ongoing and grave human rights violations. I therefore call on you to:

- o Immediately lift the ban on public meetings imposed by police on 20 February 2007.
- o End the human rights violations by the police and other law enforcement officials and ensure that police officers abide by the highest standards of professionalism and respect for human rights. The Government of Zimbabwe must cease to use the police and other law enforcement officials for political purposes, including for the suppression of peaceful public assemblies and the persecution of opposition parties and human rights defenders.
- o Ensure that the police conduct their duties in a manner consistent with respect for internationally and regionally recognised standards of human rights and policing, without discrimination. Police officers should operate in a manner consistent with international human rights law and standards, including the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) Code of Conduct for Police Officials, Article 1 of which states that: *"In the performance of their duties, police officials shall respect and protect human dignity and maintain and uphold all human rights for all persons."*
- o Institute an immediate, impartial and independent investigation of the killing by riot police of Gift Tandare on 11 March, the shootings of three people by police on 13 March and allegations of excessive use of force by police while dispersing demonstrators attempting to attend the public meeting on 11 March. Those suspected to be responsible must be brought to justice.
- o Institute an immediate, impartial and independent investigation into the allegations of torture of MDC and civil society leaders and their supporters. Those suspected to be responsible must be brought to justice without further delay.

I would very much appreciate being informed of the measures that the Zimbabwean authorities would take to address the matters raised in this letter. I have also written about these matters to the Minister of Home Affairs, the Hon. Kembo Mohadi.