

.....ZIMBABWE
THE UNFAIR PROSECUTION OF
PARLIAMENTARIANS FLETCHER DULINI NCUBE,
MOSES MZILA NDLOVU
AND SIXTEEN OTHERS

Amnesty International is concerned about the prosecution of two members of parliament and their political party's employees who were arrested and charged in connection with two controversial murders, principally on the basis of evidence extracted under torture. The arrest, detention and continuing prosecution of Members of Parliament Fletcher Dulini Ncube and Moses Mzila Ndlovu, as well as 16 other opposition party staff members or supporters, appears to be motivated by their political beliefs. It is the Zimbabwean government's responsibility to ensure the independence of the judiciary is not undermined, thus preventing the systematic violation of human rights. Amnesty International therefore calls upon the Government of Zimbabwe to withdraw the charges that have been brought against the accused, release those still in custody immediately, and investigate promptly allegations of police torture.

The prosecutions are in connection with two crimes: the abduction on the night of 5-6 November 2001 of Cain Nkala, a leader in Bulawayo of the Zimbabwe National Liberation War Veterans Association, from his home in Magwegwe and his subsequent murder; and the abduction on 29 October 2001 of Limukani Luphahla of Lupane and his subsequent murder. Cain Nkala had appeared in court on a number of occasions, with other ruling party supporters, on charges relating to the 19 June 2000 abduction of MDC organizer Patrick Nabanyama, whose body has never been found. Cain Nkala's body was discovered on 13 November, precipitating charges against the accused individuals.

Amnesty International seeks a fair and impartial investigation into the abduction and killing of Cain Nkala and Limukani Luphahla, and for all those suspected of criminal activity in connection with their murders to be properly investigated, charged after the construction of a *prima facie* case, and brought to justice in a court of law in accordance with international standards for fair trial. Amnesty International is also concerned that Cain Nkala's murder has had an impact on the process of clarifying the circumstances surrounding Patrick Nabanyama's "disappearance" and probable death. Amnesty International reiterates its request to the Zimbabwean authorities to investigate and identify those responsible for the abduction and probable murder of Patrick Nabanyama, and to bring them to justice in accordance with the law.

In addition to the credible evidence of the use of torture against the two members of parliament and the 16 other political party employees, the human rights organization

also has serious doubts about the fairness thus far in the proceedings against them. Since they were held unlawfully in the initial stages of their arrest, Amnesty International believes that any trial that follows will amount to a judicial nullity by attempting to construct a case out of a flawed process and from evidence extracted under torture.

Use of torture, unlawful arrest, lack of medical care and failure to ensure rights

The accused are Fletcher Dulini Ncube and Moses Mzila Ndlovu, both members of parliament; Nicholas Sonny Masera; Gilbert Moyo; Remember Moyo; Sazini Mpofu; Khethani Sibanda; Simon Spooner; Army Zulu; Stanley Dile; Eddie Sigoge; Ferdinand Dropa; Ronnie Zulu; Thabisa Mandala; Alexander Khanyi; Thembelani Mkandla; *Nyasha Maifiri*; and *Melusi Nyathi*; who are all employees or officials of the opposition party Movement for Democratic Change (MDC).

Amnesty International does not take sides in political conflicts. It does not support or oppose any government, nor support or oppose the political views of the people whose rights it tries to protect. The human rights organization is concerned solely with the protection of human rights that are being violated in Zimbabwe, of which the great majority committed since the run-up to the June 2000 elections have been perpetrated by ruling party supporters against opposition supporters. Amnesty International is therefore taking action on behalf of these Members of Parliament and the other named individuals not because they are in political opposition but because they have the rights to freedom of expression of their political beliefs and to free political association and -- in the case of Fletcher Dulini Ncube and Moses Mzila Ndlovu -- are the legitimate elected representatives to parliament of the people in their constituencies.

Nicholas Sonny Masera, Simon Spooner and Army Zulu were formally charged on 15 November 2001 with two counts of murder and remanded in custody. Fletcher Dulini Ncube, Gilbert Moyo, Remember Moyo, Sazini Mpofu and Khethani Sibanda were subsequently charged in connection with the same murders and likewise remanded in custody. Six others, although arrested on charges of murder, were later charged with contravening provisions of the Law and Order (Maintenance) Act for receiving military training inside Zimbabwe or abroad. They are Stanley Dile, Eddie Sigoge, Ferdinand Dropa, Ronnie Zulu, Thabisa Mandala, Alexander Khanyi. Another four individuals -- Moses Mzila Ndlovu, Thembelani Mkandla, *Nyasha Maifiri*, and *Melusi Nyathi* -- were also charged with murder, but had their charges later changed to kidnapping and assault.

The accused were remanded in custody at Khami Prison in Matabeleland, and elsewhere in the greater Bulawayo area, but were released in separate court decisions in

November and December 2001, except for Remember Moyo, Gilbert Moyo, Khethani Sibanda and Sazini Mpofu, who remain in custody as of 24 January 2002.

Amnesty International is concerned that on the basis of credible evidence which has been brought to the organization's attention, some of those arrested may have been tortured and threatened with death. All the suspects named above strongly deny charges of involvement in the murders of Cain Nkala and of Limukani Lumphahla, including those who apparently made confession statements under duress. Amnesty International is also concerned that, in the wake of the murder of Cain Nkala, police conducted a wave of arrests in the Bulawayo area without due regard to the internationally accepted fundamental human rights of those arrested, *inter alia* the right to personal liberty, to the presumption of innocence, to be given prompt access to legal representation, to be brought promptly before a court of law to challenge the lawfulness of detention, and to trial within a reasonable time.

Evidence of torture

When an Amnesty International delegation visited Zimbabwe in November and December 2001, it learned that at least four of those arrested were tortured and threatened by police. **Khethani Sibanda, Remember Moyo, Sazini Mpofu** and **Gilbert Moyo** have made detailed statements alleging they were coerced by the police into making statements to implicate themselves and/or others in the murders with which they are charged. They were not informed of the reasons for their arrest, or of their rights. Amnesty International has the names of three police officers in particular who allegedly assaulted them.

Khethani Sibanda has stated before a court of law that he was assaulted at Gweru Police Station after his arrest on 11 November, and on the following day. The assaults included kicks, slaps, punches, and verbal threats. He has stated, further, that at one stage on 12 November, the senior investigating officer pulled out a gun and threatened to shoot him. The police officers pressured Khethani Sibanda to falsely implicate himself and certain other people in certain crimes. Amnesty International has seen his forced statement, and notes the account contains an implausible amount of detail, as well as references to "Comrade" Nkala, which is a long-standing honorific title used only by the most zealous ZANU-PF supporters.

Sazini Mpofu was arrested late on 12 November. In front of eye-witnesses, he was allegedly slapped, punched, kicked and assaulted with a gun butt by the arresting officers. A friend present at the time of the arrest was also assaulted. He was taken to his home, which was searched, and further assaulted with a gun. The police then took him to Nkulumane Police Station and allegedly continued to assault him en route. Sazini Mpofu

has stated that he was stamped upon and trodden upon and told to make false confessions and implicate certain individuals. Medical evidence exists corroborating the allegations of torture and ill-treatment.

On 13 November 2001 statements by Khethani Sibanda and Sazini Mpofu were apparently broadcast on Zimbabwe state television in which they implicated themselves and others of the accused in the abduction and subsequent murder of Cain Nkala. They have since retracted these "confessions", stating that the statements were made under duress.

Remember Moyo was arrested in Gweru on 11 November, together with Khethani Sibanda. Remember Moyo has alleged the police stopped in a lay-by on the road to Bulawayo and that police officers assaulted him with kicks, punches and slaps. One senior officer allegedly kicked him in the genitals. They struck him on the head and ribs, placed him in leg-irons, and suspended him in the air by the feet, for further ill-treatment. He was held by the head under the wheel of the vehicle, which caused injuries to his jaw. According to his account, he was then taken to Mbembesi Police Station where he was held for three nights handcuffed, chained to a ring in the cell, and denied blankets. On three successive nights, police officers allegedly assaulted him. He has stated the police officers repeatedly told him to implicate certain individuals. On 15 November the officers took him to the CID Law and Order office, where a senior police officer allegedly told him what to say in a statement. The Amnesty International delegation listened to testimony from Khethani Sibanda and Remember Moyo when they appeared before the High Court on 27 November. Both affirmed their claims of torture and ill-treatment, and stated that they themselves and the other accused were innocent of the murders of Cain Nkala and Limukani Lumphahla. The High Court ordered a medical examination to verify their injuries.

Gilbert Moyo was arrested on the night of 12 November. He also alleges a senior police officer assaulted him at the time of arrest. The officers took him to Nkulumane Police Station to a toilet where, he has stated, his head was placed in the toilet bowl and the toilet was flushed a number of times. He was choked. He also alleges he was threatened by police officers and told to confess to crimes and to implicate certain other individuals.

Army Zulu told his lawyer that police threatened to "make him disappear" to force him to make a statement incriminating himself. During interrogation, Army Zulu alleges he was kicked around and thrown against a wall by police officers.

All six individuals arrested on charges of undergoing military training in Zimbabwe or abroad -- **Stanley Dile, Eddie Sigoge, Ferdinand Dropa, Ronnie Zulu, Thabisa Mandala, Alexander Khanyi** -- have complained to their lawyers that they

were assaulted and threatened with death during their initial detentions and interrogations. Dropa could not speak when he appeared in magistrate's court on 16 November, because officers had injured his throat while choking him in a police vehicle during his transfer from Hillside Police Station to the court. It is significant that this torture occurred during a period of almost a week when they were denied access to legal representation, a violation of Zimbabwe law and international human rights standards.

The use of torture by police officers to obtain confessions under duress not only undermines the independence of the police, as well as impugning the independence of the investigation and judicial processes, but is a violation of fundamental human rights. International human rights standards provide that no-one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. This right is non-derogable. It may not be suspended even in times of internal political instability or national emergency. No circumstances may be used to justify torture or other cruel, inhuman or degrading treatment or punishment.¹ In fact, the African Charter on Human and Peoples' Rights to which Zimbabwe is a party does not allow states to derogate from their treaty obligations even during states of emergency.

Unlawful arrest and custody procedures

Amnesty International has several concerns about the manner in which the opposition party officials, staff members or supporters were held in incommunicado detention without access to their lawyers, families or other representatives -- in violation of both Zimbabwean law and international standards to which Zimbabwe is a signatory.

Nicholas Sonny Masera, described as a security officer for the MDC, and **Army Zulu** were arrested on 7 and 9 November respectively. The police raid on the MDC Office in Bulawayo involved a six hour search, which was conducted by the detective inspector responsible for political policing and officers under his command, and not homicide detectives. In addition to arresting six staff members, the officers collected volumes of political documents not named in the warrant, including a file on youth and women activities, calendars of youth activities, personal notebooks and diaries, a training of trainers program, salaries and allowance records, reports on fund-raising, curriculum vitae and job applications. Although police promised to give back the documents, they have never been returned.

¹Standards include: Article 5 of the Universal Declaration of Human Rights (UDHR) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 4 of the ICCPR affirms that this right may never be suspended; Article 5 of the African Charter on Human and Peoples' Rights.

On 14 November the Bulawayo High Court granted lawyers an order allowing them legal access to Nicholas Sonny Masera and Army Zulu, as they had been in custody incommunicado without being brought before a court by 13 November, in excess of the 48-hour period authorized by Zimbabwe's Criminal Procedure and Evidence Act. They were denied the right to information, including the right to be informed promptly of any charges against them, the right to legal counsel, including free legal representation, the right to liberty, including the right to challenge the lawfulness of their detention and the right to adequate time and facilities to prepare a defence. It is against this background that the police then brought Nicholas Sonny Masera and Army Zulu to court on 15 November. They were denied bail and were charged with the murders of Cain Nkala and Limukani Luphahla. They were remanded in custody, and later granted bail on 20 December 2001.

Khethani Augustine Sibanda and **Remember Moyo** were arrested on 11 November 2001. They were denied access to their legal representative until 15 November, when they appeared in the Bulawayo magistrate's court and were charged with the murders of Cain Nkala and Limukani Luphahla. Furthermore they were held in excess of the 48-hour period authorized by Zimbabwe's Criminal Procedure and Evidence Act, before being brought before a court on 15 November.

Simon Spooner, an MDC aide in Bulawayo, was arrested at his workplace at about 8.00 am on 12 November by police officers acting without an arrest warrant. When his lawyer went to Central Police Station, Bulawayo, soon afterwards to see his client, police denied him access and asked him to return later. Twenty-four hours later the lawyer had still been unable to locate his client and filed an urgent application with the Bulawayo High Court to obtain access. While at the High Court on 14 November for that hearing, he was told that Simon Spooner was then appearing in the magistrate's court and was able to see him briefly. Simon Spooner was then remanded in custody without an opportunity for legal consultations. He too had been held in custody for longer than the 48 hours permitted by law before being brought before a court.

On 6 December he was granted bail on certain conditions, including that he report to the police three times a week. When he went on 7 December to Hillside Police Station to report, he was arrested from there by officers of the Zimbabwe Republic Police "Law and Order Section" who took him to Bulawayo Central Police Station. For a number of hours the police refused to inform his lawyers where he was being held. The lawyers submitted an urgent application on his behalf to the Bulawayo High Court calling for the 6 December bail ruling to be complied with, while the state lodged an appeal against the bail order made in his favour. He was remanded in custody at Khami Prison, later granted bail by the Supreme Court on 14 December but immediately re-arrested, and finally released on bail on 16 December after state obstructions to the granting of bail.

Fletcher Dulini Ncube, the MDC Member of Parliament for Lobengula/Magwegwe constituency, was arrested on Thursday 15 November. He went to the police with his lawyer at about midday, after articles in the state media alleged that he was implicated in the murder of Cain Nkala and was fleeing from the police, and was held in detention until 19 November, when he was charged in relation to the abductions and murders of Cain Nkala and Limukani Lumphahla. He remained in custody for weeks, despite court action by his lawyers to obtain his release both on grounds of lack of evidence against him and on health grounds. Fletcher Dulini Ncube was granted a Supreme Court order for his release on bail on 17 December 2001, but administrative delays by the state blocked his release until 19 December.

MDC security guards **Stanley Dile, Eddie Sigoge, Ferdinand Dropa, Ronnie Zulu, Thabisa Mandala, Alexander Khanyi** were all detained initially on charges related to the murder of Cain Nkala and Limukani Lumphahla. Those charges were dropped, and new charges were brought that they had received military training in Zimbabwe and in Sweden. Thabisa Mandala, Ferdinand Dropa and Ronnie Zulu were denied access to their lawyers after their initial arrest on 7 November. They were held without charge almost six days longer than allowed by law. Alexander Khanyi, arrested on 12 November, was held illegally for two days, appearing in court on 14 November without having previous access to a lawyer. Most of them have filed complaints that they were assaulted during interrogations.

On 16 November, several hundred war veterans and ZANU-PF supporters marched through downtown Bulawayo to the City Hall, assaulting many passers-by and beating citizens with sticks and knobkerries, causing serious injuries to several victims. The mob then marched the MDC Offices and burned down the building, while police looked on. On 7 November, a group of MDC youth supporters including Nyasha Maifiri and Melusi Nyathi were guarding the burnt out remains of the MDC offices in Bulawayo and discovered Ndabezinhle Moyo taking down notes. For some six hours, the supporters held him in the burnt-office building before releasing him. He was later alleged by MDC Secretary General Welshman Ncube to be an agent for the Central Intelligence Organization.

During the time that Ndabezinhle Moyo was held by the supporters, **Moses Mzila Ndlovu**, the MDC Member of Parliament for Bulilima-Mangwe North and the MDC Provincial Chair of Matabeleland South, drove **Thembelani Mkandla**, a secretary/typist,

to the site of the MDC offices to deliver food to the supporters there. Eyewitness confirm that he never entered the remains of the building, nor did he ever see Ndabezinhle Moyo. *Nevertheless, Moses Mzila Ndlovu and Thembelani Mkandla were arrested by police on 18 November on charges relating to the abductions and murders of Cain Nkala and Limukani Lumphahla. Moses Mzila Ndlovu indicates that he was subjected to humiliation by officers who made him lie on the floor on his stomach while being arrested. He was interrogated from 11pm until 7am, depriving him of sleep. Nyasha Maifiri and Melusi Nyathi had been arrested earlier, on 17 November, also on similar murder charges.*

When all four appeared in court on 21 November, one or two days beyond the 48-hour legal limit prescribed by Zimbabwean law, they were charged with the alleged kidnapping of Ndabezinhle Moyo. No evidence was produced at that time linking Moses Mzila Ndlovu or the other three co-accused to the alleged crime, yet the four were denied bail on 22 November. They were eventually granted bail by the High Court on 3 December, and the accused have continued to appear in court every other fortnight for remand hearings.

Lack of adequate medical care during detention

Amnesty International was particularly concerned for the well-being of Parliamentarian Fletcher Dulini Ncube. He is aged 61 and suffers from diabetes and hypertension. He was remanded at Khami prison, more than 20 kilometres outside Bulawayo, where general conditions are said to be poor, and where he was unable to have access to adequate medical monitoring, care and his special diet. Fletcher Dulini Ncube reported, after his release on bail, that while he was remanded in custody the prison authorities held him for 22 hours out of 24 in a cell 1 m x 1.5 m. He was also ill-treated, when police interrogated him nearly every night in an attempt to deprive him of sleep. The human rights organization had expressed deep concern for his health in custody, as both his sight and hearing were impaired during detention due to his diabetes and lack of medical care.

In an application to the High Court in Bulawayo, filed on 21 November, Fletcher Dulini Ncube's lawyer submitted a medical report detailing his client's condition and medical needs as follows:

"Fletcher Dulini Ncube has been treated since 1991 for hypertension and diabetes mellitus with the following treatment: glibenclamide 5 mg daily, metformin 500 mg 2 times daily, nifedipine 10 mg 3 times daily. In view of his illness, Fletcher Dulini Ncube must: eat regular diabetic meals on time to avoid going into a coma; take his medications on time as prescribed; be able to monitor his blood sugars from time to time to assess control; have his blood pressure monitored from time to time or whenever unwell, in a government institution by GMO eg in UBH/MPILO casualty or outpatients."

The *UN Standard Minimum Rules for the Treatment of Prisoners*² state that at every institution the services of at least one qualified medical officer must be available. The medical officer must see and examine every prisoner as soon as possible after his admission and should daily see all prisoners who complain of illness or any prisoner to whom his attention is specially directed. The medical officer must report to the director if a prisoner's health has been or will be seriously affected by continued imprisonment or by any condition of imprisonment. The *UN Basic Principles for the Treatment of Prisoners*³ state that prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

In view of the fact that the Zimbabwe authorities did not comply with these international requirements, Amnesty International believes that, solely on medical grounds, Fletcher Dulini Ncube should have been released from prison custody long before his release on 19 December.

Failure to protect the rights of suspects

On the basis of the above cases, there appears to be a pattern of holding suspects incommunicado without access to a lawyer, and in some cases denying lawyers and relatives information on their whereabouts. Amnesty International understands that it is a violation of Zimbabwe's laws for the police to fail to bring an arrested person before a

²Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

³Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990.

court of law within 48 hours (or where a weekend is included, two working days). Amnesty International further understands that an application can be made to extend the lawful detention period to 96 hours, but that no such application was made in most of these particular cases. According to Zimbabwe's Criminal Procedure and Evidence Act, any such detention should be preceded by an investigation that establishes an offence was committed by the suspect first, rather than simply detaining a citizen for the purpose of furthering an investigation. In these cases it appears that there were no legal grounds for the police to justify an arrest and that the police then continued interrogations in an attempt to implicate the defendants. If this is the case, it clearly violates the Zimbabwean Constitution's Article 13 protection of the right to personal liberty, including the suspect's right to be informed of the reasons for his arrest and to have a legal representative (subsection 3), and the right to be brought before a court without undue delay (subsection 4).

International standards also provide additional safeguards to protect suspects, namely:

- all persons arrested must have immediate access to counsel⁴
- anyone arrested has the right not to be subjected to incommunicado detention (detention without access to the outside world) which is not in keeping with respect for human rights and which creates a situation conducive to other malpractices, including torture. The UN Special Rapporteur on torture has called for a total ban on incommunicado detention, and stated: "Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention."⁵
- anyone arrested or detained on a criminal charge must be brought promptly before a judge or other judicial officer.⁶ The UN Human Rights Committee, established pursuant to the ICCPR to which Zimbabwe is a party, have questioned whether detention for 48 hours without being brought before a judge is not unreasonably long,⁷ and in one case ruled that a delay of one week was

⁴ Concluding observations of the Human Rights Committee: Georgia, UN Doc. ICCPR/C/79/Add.74, 9 April 1997, para.28

⁵ Report of the Special Rapporteur on torture, UN Doc. E/CN.4/1995/434, para.926(d)

⁶ Article 9(3) of the ICCPR, to which Zimbabwe is a party.

⁷ Report of the HRC, Vol.I, (A/45/40), 1990, para.333, Federal Republic of Germany.

incompatible with Article 9(3) of the ICCPR.⁸ In fact, the Human Rights Committee have stated that "a state may not reserve the right to arbitrarily arrest and detain persons". Also, the African Charter on Human and Peoples' Rights allows no derogation from the rights it enshrines.

Furthermore, in Amnesty International's experience as well as in the experience of UN human rights bodies, prolonged incommunicado detention particularly where it involves denial of access to legal representation creates the conditions in which a suspect is more likely to be subjected to torture and intimidation. The UN Commission on Human Rights stated in April 1997 that "prolonged incommunicado detention may facilitate the perpetration of torture..." In this case, as noted above, torture appears to have occurred in the absence of the right to legal representation, among others.

Depriving these detainees of contact with family, friends and legal representatives contrasts strikingly with the manner in which pre-trial publicity has been used to insinuate the guilt of Zimbabwean citizens who have the legal right to be presumed innocent until proven guilty. Amnesty International is gravely concerned that the proceedings against these accused is fundamentally flawed *inter alia* as a consequence of highly publicized statements by senior government figures which have already prejudged them guilty, as well as by the broadcast "confessions" which likewise alleged guilt.

⁸*McLawrence v Jamaica*, UN Doc. CCPR/C/60/D/702/1996, 29 September 1997, para. 5.6

When Cain Nkala's body was found on 12 November, the state-controlled television immediately broadcast the confessions of two MDC supporters, Khethani Sibanda and Sazini Mpfu, who have now alleged that police tortured them and threatened to kill them unless they made those confessions provided to them by the police. Later, at the funeral of Cain Nkala on 17 November, President Robert Mugabe repeated accusations against the MDC, calling the killing a "terrorist provocation" by that organization, and naming Simon Spooner as a person associated with the murders of Cain Nkala and Limukani Luphahla.⁹ Subsequent statements by President Robert Mugabe, Minister of Home Affairs John Nkomo and Police Commissioner Augustine Chihuri holding the MDC and its members responsible for these murders and describing them as "terrorists" have also been widely quoted in the national Zimbabwean media. Amnesty International believes that these statements have created a public perception which places in jeopardy any prospect of a fair trial for the accused. Instead of the state establishing their guilt beyond all reasonable doubt, the accused have been given a burden to establish their innocence, contrary to international standards of fairness.

Under international standards for fair trial, everyone has the right to be presumed innocent, and to be treated as innocent, until and unless they are convicted according to law in the course of proceedings which meet at least the minimum prescribed requirements of fairness. This right is also guaranteed under Article 14 (2) of the ICCPR, which states that: "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

Conclusion

Amnesty International is concerned that the above arrests relating to the abduction and murder of Cain Nkala and of Limukani Luphahla appear to be arbitrary in that they were based on grounds and procedures not established by law and that the only evidence against the detainees has been obtained as a result of intimidation and torture. Furthermore, the forced statements of some of the accused have since been retracted in court under oath. The state has presented no credible evidence independent of the testimony of fellow-accused. The state has provided no detailed charge sheet to the accused. An independent judicial system would act to prevent the systematic violations of the accused, and would not continue such a seriously flawed, unfair legal prosecution.

Our suspicion is that the prosecutions are not well founded, that they are politically motivated, and that they may be purely malicious in intent. This concern is deepened by the torture of some of the detainees in an attempt by the Zimbabwe Republic Police to implicate others; the strong language used by senior government figures to

⁹ The Zimbabwe Herald, "Nkala Laid to Rest", 18 November 2001.

publicly implicate two member of parliaments, and 16 other MDC staff members and supporters in the two murders or other alleged crimes; coupled with a lack of corroborating evidence; and the failure of the Zimbabwean authorities to comply with international human rights standards relating to arrest, detention, interrogations and trial.

In the recent visit to Zimbabwe, Amnesty International's delegates found no legally sound cause presented by the state to link these individuals with the murders of which they are accused. The organization believes that the two parliamentarians and the other political party employees were targeted for arrest and remand on account of their involvement or association with the MDC. International human rights standards protect the right of peaceful expression of political views and association.

Consequently, Amnesty International calls upon the Zimbabwean government, as the authority ultimately responsible for the independence of the criminal justice process in Zimbabwe, to withdraw the charges. The organization further asks the government to uphold the international human rights standards that protect the right of peaceful expression of political views and association, to bar the use in court proceedings of evidence extracted under torture except when used to convict those who have used torture themselves, and to promptly investigate the allegations that police tortured some of the accused.