

PUBLIC

AI Index: AFR 46/011/2003

28 March 2003

Further Information on UA 81/03 (AFR 46/010/2003, 21 March 2003) Arrest and detention without charge/abduction/ "disappearance"/ fear for safety New concern: Torture/ill-treatment

ZIMBABWE

**Giles Mutsekewa (m) Movement for Democratic Change (MDC)
Member of Parliament for Mutare North
Austin Mupandawana (m) MDC Member of Parliament for
Kadoma Central
Up to 500 others**

New names:

**Calisto Tsvangirai (m)]
Francis Musiniwa (m)] MDC activists
Tongai Ndemberembe (m)]**

Austin Mupandawana, member of parliament for the opposition party Movement for Democratic Change (MDC), is being held with 27 MDC activists at Kadoma prison in the town of Kadoma together with 27 other MDC activists. They have been charged under the Public Order and Security Act (POSA) with public violence and sabotage during the national two day mass "stay-away" of 18 and 19 March. They were denied bail when they appeared in court on 25 March. They are likely to remain in detention until their next court appearance, scheduled for 9 April.

Austin Mupandawana was held at Kadoma Police Station from his arrest on 19 March until he was transferred to Kadoma Prison on 26 March. He has claimed that he and three other MDC activists, Calisto Tsvangirai, Francis Musiniwa and Tongai Ndemberembe, were assaulted and tortured by police at Kadoma Police Station. Austin Mupandawana and Calisto Tsvangirai were reportedly beaten with police batons and kicked all over their bodies. Francis Musiniwa was allegedly beaten with a police baton, his head was held under water until he was close to suffocating and his genitals were pulled. Tongai Ndemberembe was reportedly set upon by a police dog which bit him on the arm and left a wound. According to their lawyer, all three men had extensive bruising on their bodies. None of the men has been given access to medical treatment. There is particular concern for the health of Tongai Ndemberembe who needs medical treatment for the wound on his arm.

Giles Mutsekewa and 30 other MDC activists were released on 24 March. Giles Mutsekewa was charged under the POSA for allegedly inciting violence and acts of terrorism during the two day national "stay-away". He had been held incommunicado at various police stations around the capital Harare since his arrest on 19 March. Giles Mutsekewa suffers from hypertension and was denied access to his medication, which he is required to take regularly. This caused him severe anxiety.

Of the 30 MDC activists released with Giles Mutsekewa, 14 were released without charge. The remaining 16 were released on bail on various charges which included charges of public violence and acts of terrorism the under the POSA. Across the country, most of those arrested during the two-day "stay-away" have now been released. Though some were released without charge, many have been charged with various charges under the POSA, including inciting violence and acts of terrorism. Up to 45 others arrested around the country during the "stay-away" have been denied bail.

An unknown number of MDC activists are reportedly still missing, including eight activists who were reportedly abducted in the Budiriro and Mabvuku suburbs of Harare by supporters of the ruling ZANU-PF party. It is feared they may have "disappeared".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that Austin Mupandawana, Calisto Tsvangirai, Francis Musiniwa and Tongai Ndemberembe were beaten and tortured while in police custody,
- calling on the authorities to ensure that Austin Mupandawana, Calsito Tsvangirai, Francis Musiniwa and Tongai Ndemberembe are given immediate access to medical treatment;
- welcoming the release of Giles Mutsekewa, MDC member of parliament, 30 other MDC activists, and many others arrested during the national two-day "stay-away" on 18 and 19 March;
- expressing concern that Giles Mutsekewa was denied access to medical treatment and legal representation which contravened the Standard Minimum Rules for the Treatment of Prisoners and was a violation of the United Nations Convention Against Torture and Cruel, Inhuman and Degrading Treatment;
- calling for the immediate release of those reportedly abducted and urging that those responsible for the abductions be brought to justice;
- urging the authorities to immediately cease all intimidation, arrests and torture of opposition supporters, independent media workers and human rights activists.

APPEALS TO: *(It is sometimes difficult to get through to Zimbabwe fax numbers but please keep trying; if you cannot get through please send your appeal by airmail)*

Minister of Home Affairs

The Honourable Khembo Mohadi
11th Floor Mukwati Building
Private Bag 7703
Causeway
Harare
Zimbabwe

Fax: + 263 4 726 716

Telegram: Minister of Home Affairs, Harare, Zimbabwe

Salutation: Dear Minister

Police Commissioner

Mr. Augustine Chihuri
Police Headquarters
P.O Box 8807
Causeway
Harare
Zimbabwe

Fax: + 263 4 726 084/ 235 212/ 728 768

Telegram: Augustine Chihuri, Police Headquarters, Harare, Zimbabwe

Salutation: Dear Mr Commissioner

Chief Prison Officer

Retired Major-General Paradzai Zimondi
Prison Headquarters
PO Box 7718
Causeway
Harare
Zimbabwe

Fax: + 263 4 739 986

Salutation: Dear Sir

COPIES TO: Diplomatic representatives of Zimbabwe accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 May 2003.