

Zimbabwe

RIGHTS UNDER SIEGE: Torture in police custody of opposition MP Job Sikhala



Members of Parliament (MPs) of the opposition party, Movement for Democratic Change (MDC) face escalating attacks, arbitrary arrests and violations of their rights to freedom of expression, association and assembly. The start of 2003, has witnessed an upsurge in attacks. Job Sikhala the MDC MP for St Mary's constituency in Harare was arrested in January 2003, marking his fourth arrest in the last two years.

Job Sikhala's constituency of St Mary's is a tense area where politically motivated violence by government supporters reached new levels in the run up to the parliamentary by-elections in March 2003.

On 15 January, 2003, Job Sikhala was arrested along with Gabriel Shumba a lawyer with the Zimbabwe Human Rights NGO forum, and MDC supporters Bishop Shumba, Taurai Magaya and Charles Mutama. At about 11pm, riot police and plain clothes policemen reportedly arrested all five men and accused them of burning a state-owned bus. They were subsequently charged under Section 5 of the Public Order and Security Act (POSA) for allegedly planning to overthrow the government through unconstitutional means. All five were tortured while in police custody, and medical examinations revealed that both Job Sikhala and Gabriel Shumba had electric shocks applied to their genitals, mouth and feet. Both were also forced to drink urine. The charges against the five were subsequently dismissed due to lack of evidence.

On 6 February 2001, Job Sikhala was assaulted by two truckloads of army personnel at 4 am, while at his home. His wife (then pregnant) and domestic worker were also assaulted. Prior to that, he was working with the MDC candidate in the January 2001 Bikita West by-election and reportedly had to flee into the mountains near Nyika Growth Point to evade police officers who were trying to arrest him, ostensibly in connection with political violence in the area. Later in January, police sought Job Sikhala at his home in St Mary's which was being protected by MDC youths camped there.

The Public Order and Security Act (POSA) was enacted in January 2002 as part of an overall strategy by the government authorities to hinder the campaigning activities of the MDC in the run-up to the presidential elections in March 2002, tighten restrictions on the independent media; and give police sweeping powers. Since its enactment, POSA has been used by the authorities to target opposition supporters, independent media and human rights activists and specifically restrict their rights to: freely assemble; criticize the government and President; and engage in, advocate or organize acts of peaceful civil disobedience. Hundreds of Zimbabweans, mainly opposition supporters, have since been arbitrarily arrested. The legislation has enabled the police to intimidate, harass and brutally torture real or perceived supporters and members of the opposition.

Arrest and harassment of other MDC officials

Approximately 500 MDC MPs, supporters and officials were arrested during and after the mass stay-away organised by the MDC on 18 and 19 March 2003. On 19 March MDC MPs Silas Mangono, Giles Mutsekewa and Austin Mupandawana were among those arrested around the country. Many MPs and activists were charged under section 6 of POSA for allegedly inciting violence and acts of terrorism during the two-day stay-away.

On 31 March 2003, Gibson Sibanda, Vice-President of the MDC, was arrested for allegedly trying to overthrow the government by inciting people to join the national mass stay-away. He was charged under section 5 of POSA which carries a maximum penalty of 20 years imprisonment. He was released on bail on 7 April.

Take action!

1. Write to government officials in Zimbabwe

Key targets are the **President**, the **Minister of Justice, Legal and Parliamentary Affairs** and the **Minister of State for Information and Publicity**. In your letters make the following points:

- state that you are concerned about the continued harassment, arrest and torture of MDC supporters, officials and members of parliament such as Job Sikhala and the increasing role of the police in perpetrating human rights violations;
- point out that torture and cruel, inhuman or degrading treatment or punishment is forbidden by article 5 of the African Charter on Human and Peoples' Rights, to which Zimbabwe is party;
- express concern that the Public Order and Security Act breaches regional and international guarantees of freedom of expression, association and assembly;
- express concern that the police have used the Public Order and Security Act to intimidate, harass, arbitrarily arrest and brutally torture real or perceived supporters and members of the opposition;
- point out that Article 9 of the African Charter on Human and Peoples' Rights to which Zimbabwe is party, asserts that: "*every individual shall have the right to express and disseminate his opinions within the law*". In addition, Article 10 asserts that: "*every individual shall have the right to free association provided that he abides by the law*". Article 11 of the charter asserts that: "*every individual shall have the right to assemble freely with others*";
- urge the Zimbabwe government to:
 - repeal or drastically amend all restrictive legislation including the Public Order and Security Act;

- publicly condemn torture by the police and stress that torture and other forms of human rights violations will not be tolerated;
- take immediate steps to ensure that all law enforcement officials conduct their duties in a manner consistent with respect for human rights and that human rights are firmly entrenched in police training at all levels;
- ensure that all reported cases of torture are immediately investigated with a view to bringing the perpetrators to justice.

2. Write to government officials in Botswana, South Africa, and Zambia

Key targets include the **President** and **Minister of Foreign Affairs** of Botswana, South Africa and Zambia. In your letters make the following points:

- state that you are concerned about the escalating harassment, arrest and torture of MDC supporters, officials and members of parliament such as Job Sikhala and the increasing role of the police in perpetrating human rights violations, in addition refer to the case of Job Sikhala;
- point out that torture and cruel, inhuman or degrading treatment or punishment is forbidden by Article 5 of the African Charter on Human and Peoples' Rights, to which Zimbabwe is party;
- express concern that the Public Order and Security Act breaches regional and international guarantees of freedom of expression, association and assembly;
- express concern that the police have used POSA to intimidate, harass, arbitrarily arrest and brutally torture real or perceived supporters and members of the opposition;
- point out that Article 9 of the African Charter on Human and Peoples' Rights to which Zimbabwe is party, asserts that: "*every individual shall have the right to express and disseminate his opinions within the law*". In addition, Article 10 asserts that: "*every individual shall have the right to free association provided that he abides by the law*". Article 11 of the charter asserts that: "*every individual shall have the right to assemble freely with others*".
- call upon the governments of Botswana, South Africa and Zambia to bring all possible pressure to bear on the Zimbabwean government to repeal or drastically amend all restrictive legislation including the Public Order and Security Act and promote and respect the fundamental human rights to freedom of expression, association and assembly;
- urge the governments of Botswana, South Africa, and Zambia, to use their influential voices directly and as member states of the Southern African Development Community (SADC) and the African Union (AU) to publicly signal that the repression of fundamental rights in Zimbabwe is unacceptable.

Addresses

1.Zimbabwe officials

President His Excellency, The Honourable Robert Mugabe, Office of the President, Munhumutapa Building, Box 7700, Causeway, Harare, Zimbabwe. Fax: + 263 4 708 820/ 708 557. Salutation: Dear President	Minister of Justice, Legal and Parliamentary Affairs The Honourable Patrick Chinamasa Ministry of Justice, Legal and Parliamentary Affairs, 5 th Floor Corner House, Private Bag 7751, Causeway, Harare, Zimbabwe. Fax: + 263 4 790 901/ 772 999 Salutation: Dear Minister	Minister of State for information and Publicity The Honourable Jonathan Moyo Ministry of State for Information and Publicity 10 th Floor, Linquenda House PO Box CY 825, Causeway, Harare Zimbabwe Fax: +263 4 707 213 Salutation: Dear Minister
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2 i) South Africa officials

President His Excellency Mr Thabo Mbeki, Office of the President, Private Bag X1000, Pretoria 0001, South Africa Fax: +27 12 323 8246. Email: President@po.gov.za Salutation: Dear President	Minister of Foreign Affairs , Dr NC Dlamini-Zuma, Foreign Affairs Ministry, Private Bag X152, Pretoria 0001 South Africa Fax: + 27 12 351 0253 Email: minister@foreign.gov.za Salutation: Dear Minister
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ii) Botswana officials

<p>President, His Excellency, Mr Festus Mogae, Office of the President, Private Bag 001, Gaborone, Botswana</p> <p>Fax: +267 350 888. Email: op.registry@gov.bw Salutation: Dear President</p>	<p>Minister of Foreign Affairs, Hon. Lt. Gen. Mompoti Merafhe, Ministry of Foreign Affairs, Private Bag 00368, Gaborone, Botswana.</p> <p>Fax: +267 313 366. Salutation: Dear Minister</p>
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iii) Zambia officials

<p>President</p> <p>His Excellency, Mr Levy Mwanawasa, Office of the President, State House, PO Box 30208, Lusaka, Zambia.</p> <p>Fax: +260 1 252 545. Salutation: Dear President</p>	<p>Minister of Foreign Affairs</p> <p>The Honourable Kalombo Mwansa, Ministry of Foreign Affairs, PO Box 50069, Lusaka, Zambia</p> <p>Fax: +260 1 250 240. Email: foreignlks@zamtel.zm Salutation: Dear Minister</p>
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Feedback

Please send copies of any replies you get from the officials of Zimbabwe, South Africa, Botswana and Zambia to; Southern Africa Team, Amnesty International, Peter Benenson House, 1 Easton Street, London, WC1 0DW, United Kingdom.