

AI INDEX: AFR 46/03/97
23 MAY 1997

Open letter from Amnesty International to His Excellency the President Robert Mugabe

Below are selected excerpts from the "Open letter from Amnesty International to His Excellency the President Robert Mugabe concerning the need for public discussion and action on the disturbances in Matabeleland and the Midlands in the 1980s" (AFR 46/02/97), signed by Pierre Sané, Secretary General of Amnesty International. It was released to media on 23 May 1997.

Why we are writing now

As the 2 June 1997 opening of the Summit of the Heads of State and Government of the Organization of African Unity (OAU) draws near, and as you prepare to assume the chairmanship of that organization, I am writing to you as Secretary General of Amnesty International to urge Your Excellency to commit yourself and your government to resolving Zimbabwe's need for greater openness and public discussion of the massive human rights violations that took place in Matabeleland and the Midlands in the 1980s.

On the responsibility as OAU chair to lead African states on human rights

Amnesty International believes the head of state who assumes chairmanship of the OAU should not simply play a figurehead role, but take on a vital leadership function in promoting and protecting human rights among member states of that organization.

Lessons could be drawn by many other heads of state from how Your Excellency now chooses to deal with the perpetrators and the victims of these crimes against humanity. By taking decisive action, we believe that you could set Zimbabwe as an example for other countries where massive human rights violations were committed in a transitional period.

Crimes against humanity

One cannot underestimate the gravity of the tragic events in the 1980s, particularly when such a detailed report has finally allowed some of the Zimbabweans affected to give voice to their suffering. In the statute of the International Tribunal for Rwanda, adopted by the UN Security Council on 6 November 1994 (S/RES/955), crimes against humanity are defined to include murder, extermination, imprisonment, torture, rape and persecution "when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds" (Article 3). Viewed in this light, the atrocities that have been documented in... [Matabeleland] are tantamount to crimes against humanity.

Context: The "Breaking the Silence" report

Before taking the chair in just a few days time, we are asking Your Excellency to accept publicly the recommendations contained in the unpublished but widely reported document "Breaking the Silence, Building True Peace - A Report on the Disturbances in Matabeleland and the Midlands, 1980 to 1988", which was prepared by the Catholic Commission for Justice and Peace and the Legal Resources Foundation.

The current controversy sparked by recent newspaper accounts and commentaries on the "Breaking the Silence" report, compiled from accounts by more than a thousand people over a five year period, clearly indicates a need for the full truth about the human rights violations during that time to be revealed and examined by Zimbabwean society. Although its partial release to the media appears to have been unplanned, according to its authors, this opportunity should be welcomed and allowed to expand into a broad, informed discussion about the truth of that period in history.

According to excerpts of the "Breaking the Silence" report published recently in the Mail & Guardian (South Africa), the Guardian (London) and the Zimbabwe Independent, the report estimates more than 3,000 extrajudicial executions, hundreds of "disappearances", more than 7,000 beatings or cases of torture and more than 10,000 arbitrary detentions in Matabeleland North, Matabeleland South, and Midlands provinces. The evidence gathered, often from eye-witnesses, indicates that most killings and "disappearances" were committed by government forces, most notably the army's Fifth Brigade. Government responsibility appears indisputable.

Zimbabwe's obligations under international law

- By ratifying the African Charter on Humans and Peoples' Rights in May 1986, the government is therefore obliged to allow the victims of human rights violations access to the courts for the prosecution of perpetrators of such violations.
- When Zimbabwe acceded to the International Covenant on Civil and Political Rights in May 1991, it undertook effective remedy includes the prosecution of perpetrators of human rights violations and the right to adequate compensation.
- In the government's official response to the UN Commission on Human Rights, published in the Commission's Report of the Working Group on Enforced or Involuntary Disappearances in January 1996, the Zimbabwean government agreed to compensate the victims of the violence in the Matabeleland conflict. This admission by the Government of Zimbabwe to the UN that it is obliged to pay compensation sets a precedent for providing effective redress to all those who suffered human rights violations during that tragic period in the country's history.

Recommendations

Amnesty International appeals to Your Excellency to implement recommendations contained in the "Breaking the Silence" report, and recommendations that we have made during the past 15 years.

- Acknowledge the massive human rights violations that took place at the hands of government security forces, and the suffering innocent civilians endured, by allowing this report and the Chihambakwe Commission report to be published.
- Remove, pending further inquiries, those identified as having been directly involved in human rights violations from positions in which they might again commit human rights

violations. Those found to have been responsible should not be employed in any position in which they have the powers of arrest and hold direct or indirect responsibility for the safety and security of prisoners.

- Make appropriate legal provisions to ensure that victims are able to claim compensation, including by granting them any necessary legal assistance and by amending existing laws that provide for such compensation.
- Begin a constitutional debate to consider safeguards to prevent widespread human rights violations from ever occurring again in Zimbabwe.
- Invite independent experts, such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, or the African Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions, to thoroughly evaluate any of the allegations of killings by state security forces that are disputed by the government.

...ENDS/