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Zimbabwe: Brief to SADC on harassment and intimidation of NGO workers by police

Amnesty International is deeply concerned about ongoing harassment and intimidation of human rights workers by police in Zimbabwe as the country prepares for elections in 2013. The latest case involves trumped up charges against senior employees of a respected non-governmental organisation that operates a clinic in Harare treating victims of torture and organised violence on a non-partisan basis.

Fidelis Mudimu (46), Zachariah Godi (45) and Tafadzwa Geza (36) are senior staff members of the Counselling Services Unit (CSU), a registered medical clinic which provides medical and counselling services to victims of organized violence and torture. The three men were arbitrarily arrested, unlawfully detained and illegally transferred from Harare to Bulawayo during the week commencing 5 November 2012. They were released after spending four days in custody and charged with “causing malicious damage to property, in contravention of Section 140 of the Criminal Law (Codification and Reform) Act.” They deny the charges.

At around 11h30 on Monday 5 November about a dozen police officers arrived at the office of the CSU, without a search warrant. Around two hours later they were joined by a truck-load of anti-riot police who threatened to fire tear gas into the clinic, risking the lives of patients, staff and others in the building. Police later produced a search warrant stating that they were there to recover “offensive and subversive material” which “defaces any house, building, wall, fence, lamp-post, gate or elevator without the consent of the owner or occupier thereof”. Police entered the premises and conducted a search and illegally seized confidential patient medical records, a computer and documents which were not covered by the search warrant. After the search, police arrested five (5) staff members and released two (2) the same day following interrogations.

On Wednesday 7 November the three human rights activists, who had not been brought before a Magistrate and charged, were illegally transferred more than 400km from Harare to Bulawayo, in an open pick up truck without protection from the sun, despite temperatures exceeding 30°C. Harare police handed them over to Bulawayo police in the town of Kwekwe, where they were immediately handcuffed. On arrival in Bulawayo they were immediately placed in detention without being interviewed. It is illegal to detain someone without formally charging them for over 48 hours in Zimbabwe.

On the afternoon of 8 November, a Bulawayo Magistrate ordered the release of the three CSU employees after they were finally charged with “causing malicious damage to property, in contravention of Section 140 of the Criminal Law (Codification and Reform) Act.”

Each man was granted \$100 bail with conditions that their passports should be surrendered to the Clerk at Harare Magistrate’s Court, and that they should report once a week at Harare Central Police station. They have been ordered to appear before a Bulawayo court again on 6

December. Lawyers representing the three human rights defenders have registered complaints against the inhuman and degrading treatment that their clients were subjected to during their detention.

Amnesty International believes the charges to be trumped-up and is further evidence of continued abuse of the law by Zimbabwe Republic Police (ZRP) to frustrate and persecute human rights defenders going about their legitimate work. Amnesty International fears that this pattern of harassment and intimidation against organisations and individuals working on human rights will increase as the country heads for the 2013 elections. The organisation has called on the Zimbabwean authorities to drop the charges against the three men and to end harassment and intimidation of human rights defenders in Zimbabwe.

Recommendations

1. Amnesty International recommends that the Southern Africa Development Community (SADC) fulfils its role as a guarantor to the Global Political Agreement by insisting on full implementation of Article 13 of the agreement to ensure that the Zimbabwe Republic Police and other security organisations operate in a non-partisan manner.
2. SADC, through its representatives in the Joint Monitoring and Implementation Committee (JOMIC), should directly engage with Commissioner-General Augustine Chihuri raising concern over partisan policing and abuse of the law by the Law and Order section of the Zimbabwe Republic Police against human rights defenders.
3. SADC should specifically ask for the charges against the three CSU staff to be dropped and for the police to return the confidential patient medical records, a computer and other documents that were illegally taken by police from the CSU clinic.

About Counselling Services Unit

The Counselling Services Unit is a lawfully registered medical clinic providing non-partisan counselling and referral services to all victims of trauma. In 2008, the organisation treated thousands of people who were targeted in state sponsored election violence in the run up to the second round of the presidential elections. Between April and June 2008, about 200 people were killed, while more that 10,000 people were injured and tens of thousands displaced. Hundreds of these victims are still receiving treatment from the organisation's clinic in Harare. Between January and October 2012 the clinic reviewed about 420 patients per month and during the same period it attended to over 260 new victims.