

I. Summary

We cannot have a situation where people decide to sit in places not allowed and when police remove them they say no. We can't have that. That is a revolt to the system. Some are crying that they were beaten. Yes you will be thoroughly beaten. When the police say move you move. If you don't move, you invite the police to use force.

—President Robert Mugabe, addressing delegates at the Zimbabwe embassy in Cairo, Egypt, on the arrest, torture and mistreatment of 15 trade union activists in Zimbabwe, September 23, 2006

Violent repression of civil society activists by state authorities in Zimbabwe continues to escalate. Over the past year the government has reacted to a spate of nationwide protests against its policies on social, economic, and human rights conditions in the country by intensifying its efforts to intimidate, silence, and punish those who expose abuses and exercise their basic rights.

In the beginning of Zimbabwe's political crisis, the main perpetrators of violence and intimidation against opposition supporters and civil society activists were war veterans, youth militia, and supporters of the ruling party. In the past three years human rights violations against opposition supporters and civil society activists have increasingly been carried out by uniformed army and police personnel and state security agents. The government has taken no clear action to halt the rising incidence of torture and ill-treatment of activists while in the custody of police or the intelligence services. Recent statements by President Mugabe appear to condone acts of torture and other serious human rights violations.

This report highlights the repressive tactics that the government has used in the past year to suppress the increasing political and economic discontent among the population. The police have arbitrarily arrested hundreds of civil society activists during routine meetings or peaceful demonstrations, often with excessive force, and in some cases subjected those in custody to severe beatings that amounted to torture, and other mistreatment.

Those who try to expose and seek legal redress for such abuses, in particular human rights lawyers and activists, are themselves subjected to intimidation and harassment by the police and intelligence officers. These acts of intimidation and harassment take many forms, including attacks in the state media by officials, public statements by ministers vilifying the work of civil society organizations; and threatening phone calls and death threats made by unknown persons purporting to speak on behalf of the government.

The authorities in Zimbabwe rarely investigate allegations of torture and other mistreatment. None of the allegations of violence, torture and mistreatment documented in this report have been investigated (although one investigation has been ordered by a judge). President Mugabe's statements endorsing abusive law enforcement measures can but contribute to entrenching the culture of impunity that currently exists in Zimbabwe.

The Government of Zimbabwe has an obligation to act now and uphold respect for basic freedoms and human rights in Zimbabwe. Human Rights Watch calls on the Zimbabwean authorities to end the use of arbitrary arrests and unlawful detentions; end the use of excessive force by the police; and immediately investigate all allegations of torture and cruel, inhuman and degrading treatment. Those found responsible for such acts should be brought to justice. Adequate redress should be provided for the victims of rights abuses.

This report is based on a Human Rights Watch research mission to Harare, Zimbabwe, in September-October 2006. Human Rights Watch interviewed 35 persons including victims of and witnesses to human rights violations, medical experts who treated the victims, lawyers who represented the victims, human rights activists, members of local civil society organizations, student activists, and foreign diplomats. The names of some individuals have been omitted for reasons of security.

II. Recommendations

To the Government of Zimbabwe

- Take all necessary steps to ensure that the police, armed forces, and other security forces in Zimbabwe abide by Zimbabwe's obligations under international law, including respect for the rights to freedom from arbitrary arrest and detention, and from torture and other mistreatment.
- Acknowledge and condemn excessive use of force on the part of police and other security officials during demonstrations that have taken place in the past year.
- In accordance with the Zimbabwean constitution, ensure that all persons taken into custody are brought before a judge within 48 hours and have the right of access to family members and legal counsel, in addition to other due process rights.
- Publicly condemn the use of torture and cruel, inhuman, and degrading treatment by police officers and other law enforcement agencies, including through a public information campaign to increase awareness that torture is forbidden under Zimbabwean and international law.
- Conduct independent investigations into all allegations of arbitrary arrest and detention, excessive use of force, and torture and cruel, inhuman and degrading treatment by police and intelligence officials. All those who are implicated in such abuses, whatever their rank, should be disciplined or prosecuted as appropriate.
- Establish an independent civilian police body to investigate complaints against the Zimbabwe Republic Police.

- Provide appropriate training to police and other security forces on human rights standards and the rule of law. Ensure that the training curriculum for police includes comprehensive training on human rights issues, such as non-violent methods of crowd control and the appropriate use of force. All training must be consistent with international human rights standards, such as the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and request a visit to Zimbabwe by the UN special rapporteur on torture.
- Issue invitations to the UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the special representative of the UN secretary-general on the situation of human rights defenders, and the African Commission special rapporteur on human rights defenders.
- Respect the rights of human rights defenders to do their work in the promotion of human rights, as articulated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
- Repeal or amend all national legislation that is incompatible with international human rights law and standards, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In particular, repeal or substantially amend repressive provisions of the Public Order and Security Act.