



## **“You Will Be Thoroughly Beaten” The Brutal Suppression of Dissent in Zimbabwe**

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## 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.

### III. Introduction

The deteriorating human rights situation in Zimbabwe is the continuation of a consistent pattern of human rights abuses over the past six years. Since 2000, the authorities in Zimbabwe have routinely resorted to violent tactics to silence criticism of their poor human rights record and to prevent human rights activists from exposing abuses in the country;<sup>1</sup> repression of political activity and dissent has been particularly noticeable prior to election periods.<sup>2</sup> The severity of human rights abuses has increased, together with the direct involvement of state institutions in such abuses. Whereas in the beginning of Zimbabwe's political crisis it was war veterans, youth militia, and ruling party supporters who chiefly dealt out violence and intimidation to opposition supporters and civil society activists,<sup>3</sup> in the past three years such abuses have increasingly been carried out by army, police and state security personnel.<sup>4</sup> The government has turned to more violent and repressive tactics as economic and political conditions continue to deteriorate and people increasingly express their discontent.

In the past year (which has been outside of an election period) there has been an emerging pattern of human rights violations perpetrated by state authorities against those who engage in peaceful demonstrations.

Activists are often arrested during demonstrations and then brutally beaten by police with batons. Police use laws such as the Public Order and Security Act (POSA) and the Miscellaneous Offences Act (MOA) to justify the arrest of civil society activists. After arrest, most of the activists detained by the police are taken into police custody. Some are released within hours, but some are held for more than the legally allowed limit, often without charge. Others are brought before the judicial authorities to

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<sup>1</sup> Human Rights Watch, *Under a Shadow: Civil and Political Rights in Zimbabwe*, June 6, 2003, <http://hrw.org/backgrounders/africa/zimbabwe060603.htm>.

<sup>2</sup> Human Rights Watch, *Not a Level Playing field: Zimbabwe's Parliamentary Elections in 2005*, March 2005, <http://hrw.org/backgrounders/africa/zimbabwe0305.pdf>.

<sup>3</sup> *Ibid.*

<sup>4</sup> See "Zimbabwe: Crackdown on the Press Intensifies," Human Rights Watch news release, February 8, 2006, <http://hrw.org/english/docs/2006/02/08/zimbab12632.htm>.

answer charges that in many cases are dismissed by the courts. Those interviewed by Human Rights Watch indicated that the conditions under which they are held are often overcrowded and filthy, with human waste on the floor, and blankets that are infested with lice. The activists are sometimes denied legal counsel and access to food, water, and needed medical assistance. In some cases, activists reported that while in custody the police subjected them to brutal beatings as part of interrogation or as punishment, which amounted to torture.

Activists who persist in engaging in demonstrations and other activities are likely to face repeated arrests with its attendant torture and other ill-treatment.



## IV. Excessive Use of Force by Police during Demonstrations

Police use of excessive force against unarmed and peaceful demonstrators in Zimbabwe has become a common occurrence, and recent demonstrations by unarmed peaceful protesters have been met with great heavy-handedness. On several occasions during the course of arrests police have forced protesters to lie on their stomachs or sit down, and beaten them with batons and in some cases rifle butts.<sup>5</sup> The assault and arrest of peaceful demonstrators appear to be designed to harass and deter the activists from engaging in the right to freely assemble and express their views. As one activist pointed out, “They are sending us a clear message. If you demonstrate, this is what you get.”<sup>6</sup>

On September 13, 2006, close to 130 members of the mass trade union organization the Zimbabwe Congress of Trade Unions (ZCTU) were arrested during peaceful demonstrations throughout the country against poor working conditions and government economic and political policies.<sup>7</sup> Video footage of a demonstration in Harare obtained by Human Rights Watch shows police beating unarmed trade unionists with batons before bundling them into a van and a truck (for the subsequent torture and mistreatment of 15 of these detainees at Harare’s Matapi police station, see Section VI, below).

Raymond Majongwe, secretary general of the Progressive Teachers Union of Zimbabwe, was one of 13 trade unionists arrested and taken to Harare Central police station during the September 13 demonstrations. He told Human Rights Watch:

About seven of us were marching along the road when the police came and told us to stop. They started beating people up with baton sticks and made them sit down. I asked them “Why are you beating us? What have we done wrong?” Then they started forcing people into a police

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<sup>5</sup> Human Rights Watch interviews with NCA activists and medical personnel (names withheld), Harare, September 26 and October 4, 2006.

<sup>6</sup> Human Rights Watch interview with NCA activist (name withheld), Harare, September 26, 2006.

<sup>7</sup> Human Rights Watch interview with Tafadzwa Mugabe, human rights lawyer, Zimbabwe Lawyers for Human Rights, Harare, September 22; with Alec Muchadehama, October 4; and with Raymond Majongwe, secretary general, Progressive Students Union of Zimbabwe, October 2, 2006.

van and a truck. I saw them beating the colleagues who were put into the van. They were too many and couldn't fit and police started hitting them with their baton sticks to force them into the van. I was put onto a truck.<sup>8</sup>

On the same day about 20 police officers arrested 13 ZCTU members during a demonstration in a Harare suburb. The group was ordered to stop their demonstration and sit down. According to one activist, “[T]he police fired some shots in the air. They forced us down with their baton sticks and told us we were demonstrating illegally and then they started beating us.”<sup>9</sup> While on the ground the trade unionists were beaten with batons and rifle butts, and kicked. After about half an hour of beatings they were ordered to go home.

On September 20, up to 180 members of the National Constitutional Assembly (NCA) were arrested for demonstrating in Mutare city center.<sup>10</sup> According to the account of one NCA member, police forced the activists to sit on the ground, and then beat them with batons before taking them to Mutare Central police station.<sup>11</sup> A medical report given to Human Rights Watch by a private medical practitioner who visited and examined 29 of the activists soon after their arrest found that many of the victims had sustained injuries on their backs and arms that to him were consistent with blows by a blunt object.<sup>12</sup> Many of the victims also had “defensive injuries” on their arms and hands.<sup>13</sup>

In an incident on September 25, police violently disrupted a peaceful march by about 500 NCA members demonstrating for a new constitution and protesting the assault by police officers of the 15 ZCTU members in Harare.<sup>14</sup> NCA Information Officer Columbus Mavunga told Human Rights Watch that when the demonstrators reached

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<sup>8</sup> Human Rights Watch interview with Raymond Majongwe, October 2, 2006.

<sup>9</sup> Human Rights Watch interview with civil society activist (name withheld), Harare, October 5, 2006.

<sup>10</sup> Human Rights Watch interview with Columbus Mavunga, information officer, NCA, Harare, September 26, 2006.

<sup>11</sup> Human Rights Watch interview with medical personnel (name withheld), Harare, October 4, 2006.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Human Rights Watch interview with Columbus Mavunga, Harare, September 26, 2006.

the parliament building the police asked them to divert the march. According to Mavunga, “The riot police came and asked the activists to sit down and then they started to beat them one by one with baton sticks before telling them to leave. Some people panicked and there was a stampede which injured about 24 people, seven of whom were seriously injured and taken to the hospital.”<sup>15</sup> Medical personnel who treated the activists at a private medical unit told Human Rights Watch that some of the activists had sustained extensive soft tissue injuries on the elbows, arms and backs consistent with blows from police batons.<sup>16</sup>

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials provide that law enforcement officials should apply non-violent means in carrying out their duties and only use force when strictly necessary.<sup>17</sup> When the use of force is unavoidable, it should be used in proportion to the seriousness of the offense and the legitimate objective to be achieved, and shall minimize damage and injury.<sup>18</sup>

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<sup>15</sup> Ibid.

<sup>16</sup> Human Rights Watch interview with medical personnel (names withheld), Harare, September 25, 2006.

<sup>17</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), [http://www.unhcr.ch/html/menue3/b/h\\_comp43.htm](http://www.unhcr.ch/html/menue3/b/h_comp43.htm) (accessed October 9, 2006), principle 4; United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), [http://www.unhcr.ch/html/menu3/b/h\\_comp42.htm](http://www.unhcr.ch/html/menu3/b/h_comp42.htm) (accessed October 9, 2006), article 3.

<sup>18</sup> Basic Principles, principle 5.

## V. Arbitrary Arrest and Detention of Civil Society Activists

An arrest or detention is arbitrary when not carried out in accordance with the law, or if the law allows for the arrest and detention of people for peacefully exercising their basic rights such as freedom of expression, association, and assembly.<sup>19</sup>

Zimbabwe is a party to the International Covenant on Civil and Political Rights, which guarantees in article 9 that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”<sup>20</sup> Article 9 further mandates that persons be informed at the time of their arrest of the reasons for the arrest and the criminal charges, if any, against them. They must be brought “promptly” before a judge or other authorized judicial officer, and have the right to challenge the lawfulness of their detention before a court. In addition, victims of unlawful arrest or detention have “an enforceable right to compensation.”<sup>21</sup> The purpose of this guarantee is to obligate the state “to define precisely the cases in which deprivation of liberty is permissible and the procedures to be applied” and to ensure that “the law itself must not be arbitrary” in this regard.<sup>22</sup> The prohibition against arbitrary arrest and detention is also found in the African Charter on Human and Peoples’ Rights.<sup>23</sup>

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<sup>19</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Zimbabwe, May 13, 1991. Article 9(1) states: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” According to the UN Working Group on Arbitrary Detention, the deprivation of liberty is arbitrary when a case falls into three categories: when there is no legal basis to justify the deprivation of liberty, when the deprivation of liberty violates certain articles of the Universal Declaration of Human Rights and the ICCPR, and when international norms relating to the right to fair trial are ignored or only partially observed. UN Commission on Human Rights, Working Group on Arbitrary Detention, [http://193.194.138.190/html/menu2/7/b/arb\\_det/ardintro.htm](http://193.194.138.190/html/menu2/7/b/arb_det/ardintro.htm) (accessed October 18, 2006).

<sup>20</sup> ICCPR, article 9.

<sup>21</sup> *Ibid.*

<sup>22</sup> Manfred Nowak, *CCPR Commentary* (Kehl am Rhein, Strasbourg, and Arlington, VA: N.P. Engel Publisher, 1993), pp. 160, 172.

<sup>23</sup> African Charter on Human and Peoples’ Rights (ACHPR), adopted June 27, 1981, OAU doc. CAB/LEG/67/3rev.5 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Zimbabwe in 1986, article 7.

Zimbabwe's constitution also contains guarantees against arbitrary arrest and detention. Section 13 (1) states that "No person shall be deprived of his personal liberty save as may be authorized by law," and in execution of the order of a court.<sup>24</sup> Section 13 (3) of the constitution highlights the suspect's right to be informed of the reasons for arrest and to have a legal representative, and section 13(4) refers to the right of a suspect to be brought before a court without undue delay.

Under Zimbabwe's Criminal Procedure and Evidence Act, once a suspect is arrested, the authorities must submit provisional charges to the competent judicial authorities within 48 hours or release the suspect. If further investigations are required, then the police must obtain a court order for further detention.<sup>25</sup> However, police sometimes hold detainees for more than 48 hours without seeking the required 48-hour extension from the courts, in violation of the constitution.<sup>26</sup>

The breakup of peaceful protests by Zimbabwean authorities (even if effected without unwarranted or excessive use of force) violates the rights to freedom of expression, association, and assembly. These rights are enshrined in Zimbabwe's constitution and international law.<sup>27</sup> While these rights are not unlimited, international human rights law prevents governments from arbitrarily restricting these rights.<sup>28</sup> Furthermore, the African Commission on Human and Peoples' Rights has repeatedly affirmed the rights to freedom of expression, association and assembly.<sup>29</sup> The African Commission's Declaration of Principles on Freedom of Expression in Africa, adopted at the 32nd Session of the African Commission held in October 2002 in Gambia, reaffirms the

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<sup>24</sup> Constitution of Zimbabwe, 1979, section 13 (1).

<sup>25</sup> See Zimbabwe's Criminal Procedure and Evidence Act, section 32 (2); Human Rights Watch interviews with human rights lawyers, Harare, September 21–October 5, 2006.

<sup>26</sup> Under the Criminal Procedure and Evidence Act, section 32 (3) (b), police are required to obtain authorization from a public prosecutor or magistrate for an additional extension of 48 hours. International legal standards require that detainees be brought before a judicial officer promptly, though "promptly" has not been clearly defined. However, the Human Rights Committee, the international body of experts that monitors compliance with the ICCPR, has questioned whether detention for 48 hours without being brought before a judge is not unreasonably long. Report of the Human Rights Committee, vol. I, A/45/40, 1990, para. 333, Federal Republic of Germany.

<sup>27</sup> These rights are enshrined in sections 20 and 21 of the Zimbabwe constitution, ICCPR articles 19, 21 and 22, and ACHPR articles 9, 10 and 11.

<sup>28</sup> CCPR Committee, General Comment No. 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.1, May 26, 2004, para. 6.

<sup>29</sup> African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression in Africa, I(1), Gambia, October 2002.

fundamental importance of freedom of expression as a means of ensuring respect for all human rights, stating that freedom of expression is a fundamental human right and an indispensable component of democracy.<sup>30</sup>

The police have often used key provisions of the Public Order and Security Act to justify arrests that violate the rights to freedom of expression, association and assembly.<sup>31</sup> Sections 25 and 26 of POSA grant the police wide powers to prevent and breakup public gatherings if they are deemed to endanger public order. The police have used these provisions to strictly monitor public meetings or violently disrupt peaceful demonstrations.

The police have also loosely interpreted certain provisions of POSA. Section 24 of POSA merely requires that the police be notified ahead of time about a public meeting; once the police have been notified, the meeting can go ahead.<sup>32</sup> However, according to civil society activists who spoke to Human Rights Watch, police authorities insist that police permission—and not mere notification—is required to hold public meetings, gatherings or demonstrations. This permission is granted or withheld on arbitrary grounds and is frequently denied to activists who try to hold public meetings or demonstrations. Activists who go ahead with such meetings are then arrested for holding a meeting without permission.

The broad wording of key provisions of POSA and the misapplication of some provisions of the act has resulted in violations of the rights of Zimbabweans to freely assemble, criticize the government and the president, and engage in, advocate, or organize acts of peaceful civil disobedience. Most of the activists who have been arrested under POSA informed Human Rights Watch that charges against them were either dropped or dismissed in court.

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<sup>30</sup> African Commission on Human and Peoples' Rights, Resolution on the Right to Freedom of Association, Tunis, March 1992.

<sup>31</sup> The Public Order and Security Act (POSA), 2002. Sections 23–31 of the act regulate the organization and conduct of public gatherings and provide the police with extensive powers to control them.

<sup>32</sup> Section 24 of the POSA requires the organizer of a public meeting or gathering to notify the regulating authority (in this case the police) of the intention to hold a public gathering. The organizer of a public gathering is required to give at least four clear days' written notice of the holding of the gathering to the regulating authority for the area in which the gathering is to be held.

The police have also regularized the practice of arbitrary arrest through the use of other acts such as the MOA. Peaceful demonstrators are sometimes arrested and charged under the MOA with “conduct likely to provoke a breach of the peace.” Under the act, violators must pay a fine in order to be released from custody.<sup>33</sup> According to several lawyers and civil society activists interviewed by Human Rights Watch, those charged who refuse to admit guilt and pay the fine, or say they are unable to pay it, are often threatened with more serious charges and told that they will be detained for 48 hours or more. The inhumane conditions in many of Zimbabwe’s police cells, and the fear of police brutality while in detention, force many civil society activists to pay the fine and accept guilt for crimes they have not committed to secure a quick release. The deliberate misuse of the MOA by the police leads to the arrest and detention of activists even for the peaceful exercise of their basic rights. It also allows the police to avoid a judicial review of the legal grounds for the arrest, and constitutes an abuse of police power.

### **Arbitrary arrest and detention of NCA and WOZA activists**

Repeated incidents of arrest and detention of civil society activists are exemplified by the case of two non-governmental organizations, the Women of Zimbabwe Arise (WOZA) and the National Constitutional Assembly (NCA). Members of these two organizations appear to have been targeted for their public criticism of the government’s policies, and in the case of the NCA for its perceived alliance to the political opposition.

In the past year the police have on numerous occasions arrested members of the NCA throughout the country (the numbers arrested amount to several hundred).<sup>34</sup> The authorities have then either released without charge or dropped all charges against the NCA activists taken into custody; Columbus Mavunga, information officer for the NCA, told Human Rights Watch that none of the NCA’s members has been

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<sup>33</sup> Miscellaneous Offences Act of Zimbabwe, 1964. The MOA provides for the punishment of a broad range of offenses including penalties for “riotous or indecent conduct,” “threatening or abusive behavior,” or conduct likely to provoke a breach of the peace.

<sup>34</sup> On May 11, 2006, 41 members of the NCA were arrested in Harare during demonstrations calling for a new constitution in Zimbabwe. On July 12 the NCA held demonstrations in Harare, Mutare, Bulawayo, Gweru, and Masvingo. In Mutare 14 people were arrested and 128 people were arrested in Harare. The state did not pursue charges against them. In September demonstrations were held in Mutare, Bulawayo, Gweru, and Masvingo, with 170 people being arrested in Mutare. In Harare, the demonstrations did not take place because four activists were detained.

tried in a court. The repeated cycle of arrest, detention, and non-pursuit of charges is applied to deter activists from carrying out their work. According to one activist who spoke to Human Rights Watch, “They either assault you physically or psychologically. If you are detained for three days or so the charges are dropped. Sometimes they arrest you and release you with charges and you go for remand hearings three or four times and then the charges are dropped. Sometimes you go for a year and then they drop the charges. It can have a traumatic effect.”<sup>35</sup>

Women belonging to WOZA have been subjected to repeated arrests and detentions for engaging in peaceful demonstrations. In the past year alone police have arrested women from the organization on four separate occasions.<sup>36</sup>

In February 2006, almost 200 women from the organization were arrested on Valentine’s Day for demonstrating against the government’s political and economic policies.<sup>37</sup> During the arrests, police kicked and beat the women with batons. Many of the women were quickly released after they paid fines to the police for breaching the peace under section 7 of the MOA. However, according to WOZA 63 of the women were held in detention for three days, until a magistrate charged them with holding a demonstration without permission under POSA and released them on free bail. These charges were later changed to a violation of section 7 (c) of the MOA: “Doing an act which is likely to lead to a breach of the peace or to create a nuisance or obstruction.”<sup>38</sup>

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<sup>35</sup> Human Rights Watch interview with NCA activist (name withheld), Harare, September 26, 2006.

<sup>36</sup> Women from the organization were arrested in Bulawayo and Harare in February, May, August and September 2006. In August 100 WOZA women were arrested and currently face charges under section 37 of the Criminal Law (Codification and Reform) Act for “participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry.” See public statements by WOZA, [http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range\\_start=241](http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range_start=241) (accessed October 10, 2006).

<sup>37</sup> Human Rights Watch interview with Harrison Nkomo, human rights lawyer, Mtetwa and Nyambirai law firm, Harare, September 26, 2006. See also public statements by WOZA, [http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range\\_start=241](http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range_start=241) (accessed October 10, 2006).

<sup>38</sup> *Ibid.* See also “63 members of WOZA to be charged under the Miscellaneous Offences Act,” WOZA statement, May 10, 2006, [http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range\\_start=241](http://www.kubatana.net/html/archive/women/060214woza.asp?sector=hr&year=0&range_start=241) (accessed October 10, 2006).



## VI. Police Torture and Cruel, Inhuman, or Degrading Treatment of Civil Society Activists

The Zimbabwean authorities' use of violence and mistreatment as part of the repression in response to the recent spate of protests and demonstrations has not been limited to excessive use of force during arrests. A number of civil society activists interviewed by Human Rights Watch reported that while in custody they have been subjected to severe beatings and other mistreatment by the police and intelligence officers.<sup>39</sup> Acts amounting to torture that Human Rights Watch has documented include severe beatings that involved being punched, kicked and struck with batons, beatings on the soles of the feet, repeated banging of detainees' heads against walls, and the shackling of detainees in painful positions. In one case detainees were forced to engage in humiliating games, while in others they were threatened with death or rape. In some cases torture is applied during interrogations, while in others it is used as a form of punishment for the activists' perceived political leanings or intentions.

Numerous international instruments to which Zimbabwe is party prohibit the use of torture and other forms of mistreatment.<sup>40</sup> The Zimbabwean constitution also guarantees freedom from torture and cruel, inhuman or degrading treatment or punishment.<sup>41</sup> The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has defined torture as the intentional infliction of severe mental or physical pain or suffering against an individual by or with the consent or acquiescence of a public official, the purpose of which is to obtain information or a confession, or for punishment, or to intimidate or coerce, or for any reason based on discrimination.<sup>42</sup>

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<sup>39</sup> Human Rights Watch interviews with civil society activists, Harare, September 25–October 5, 2006.

<sup>40</sup> ICCPR, article 7; ACHPR, article 5; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Zimbabwe on October 11, 1990, article 37 (a).

<sup>41</sup> Constitution of Zimbabwe, 1979, section 15 (1).

<sup>42</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Zimbabwe is not a party to the Convention against Torture, although many of its provisions are considered reflective of customary international law.

Accounts from victims, lawyers, and medical experts show that torture and other mistreatment of activists has become widespread in Zimbabwe's police stations.<sup>43</sup> Alec Muchadehama, a human rights lawyer who has represented human rights defenders and political activists around the country, told Human Rights Watch:

Most of our clients are assaulted and ill-treated while in custody. In every group we represent you find complaints of assault. Some of them are quite severe. The police equate human rights and demonstrations with the opposition. During the assaults the police tell our clients they are punishing them for trying to topple the government.<sup>44</sup>

## Cases of torture and mistreatment

### *Police torture and mistreatment of student activists*

The police appear to have singled out student activists for particularly brutal treatment; due to their history of political activism, students are seen as a threat by the authorities in Zimbabwe. They are often accused of belonging to the political opposition or even of trying to overthrow the government. The police regularly disrupt student meetings, and student leaders in particular face constant harassment and intimidation from the police.<sup>45</sup>

Since May 2006 university students throughout the country have organized several public demonstrations against unpopular government policies and actions.<sup>46</sup> The Zimbabwean authorities have responded to these demonstrations with mass arrests and violence, and arrests and torture of students has taken place outside the context of demonstrations as well. Human Rights Watch interviewed a number of students

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<sup>43</sup> During the research mission to Harare for this report (September 25–October 5, 2006) Human Rights Watch heard victim accounts and other credible reports of incidents of severe beatings and mistreatment of civil society activists at Harare, Matapi and Avondale police stations in Harare, Mutare police station in Manicaland province, and Bindura police station in Mashonaland Central province.

<sup>44</sup> Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006.

<sup>45</sup> Human Rights Watch interviews with student activists Promise Mkwanzai and Zwelithini Viki, Harare, September 26, and with representatives of the Student Solidarity Trust, Harare, September 27, 2006.

<sup>46</sup> In response to a change in fee structure and a hike in student fees students demonstrated at the University of Bindura, University of Bulawayo, University of Zimbabwe, and the Chinhoyi University of Technology.

who had been arrested and tortured in the past few months by police and intelligence officers.<sup>47</sup>

Promise Mkwanzazi told Human Rights Watch that he has been arrested and beaten by police on three separate occasions since he was elected president of the Zimbabwe National Students Union (ZINASU) in May 2006.<sup>48</sup> On each occasion the police detained and beat him and then released him without charge. He spoke to Human Rights Watch of a particularly brutal incident on May 29, 2006:

In May students around the country were protesting at the increase in tuition fees. Police were everywhere looking for student leaders. I was one of the people they were looking for so I went into hiding. On May 9 the President of University of Zimbabwe students Tinei Mukwewa was arrested by law and order police in Harare Central. He was detained first. I was told they were also looking for me. My colleague Tinei was stripped naked and beaten by the police who kept asking him for my whereabouts. He was then moved to Bindura and also beaten before being released without charge. He was detained for four days. He was so badly beaten that he was hospitalized for a number of days at Parirenyatwa hospital.

On May 29 I finally surrendered myself to police at Bindura police station. I was arrested and detained there for five days. During interrogation they beat me with baton sticks, clenched fists and kept kicking me. I was being beaten every night. Every night they would threaten me and say, "We will kill you tonight." Each night they would come and they would strip me naked and then handcuff me with my hands between my legs so that I would not be able to move while they beat me. Sometimes they would be three people beating me, then two or at times four. I was being accused of trying to facilitate regime change and working for the opposition. Those who beat me up were

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<sup>47</sup> Human Rights Watch interviews with student activists, Harare, September 27–29, 2006.

<sup>48</sup> Human Rights Watch interview with Promise Mkwanzazi, September 26, 2006.

dressed in plainclothes but I suspect they were from the CIO [Central Intelligence Organization] because they said that they were from the president's office. They finally released me without charge. I managed to identify three of the people who beat me and got their names and gave them to my lawyers who are proceeding with taking the case before the courts.<sup>49</sup>

In another incident in May 2006, lawyer Alec Muchadehama was asked to represent and secure the release of almost 200 students who were arrested by police during demonstrations at Bindura University. He spoke to Human Rights Watch about the case of 15 of the students who were reportedly severely beaten and mistreated by police and intelligence officers at Harare central police station, Bindura police station and Chikurubi maximum security prison:

The students were badly assaulted. It was quite systematic. A group of them were taken to Chikurubi maximum security prison and held for between three and seven days. Some were held in solitary confinement for days while being interrogated. Mind you this is a prison for hardened criminals who have been found guilty, not suspects who are being investigated for a crime. In addition to the beatings, they were told to undress and perform humiliating games while naked such as imitating having sexual intercourse on the ground, all kinds of humiliating games. By the time we got them to court they were in a bad way both psychologically and physically. They went through a lot and all the charges against them were dropped.<sup>50</sup>

Medical records obtained from a government hospital for six of the students were shown to Human Rights Watch by lawyers representing the students. They show that the students sustained extensive soft tissue injuries including deep cuts, swellings, and severe bruises all over their bodies consistent with blows made by a blunt object.

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<sup>49</sup> Ibid.

<sup>50</sup> Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006.

Student activist Simbarashe Moyo, who was arrested while attending a ZINASU meeting, told Human Rights Watch:

At the ZINASU congress in May [2006] police pounced and arrested everyone. There were 48 of us. We spent four days in the police cells. We were interrogated. They were asking us, “Who are you working for? What were you doing? What have you been discussing?” As they were doing this they were slapping us around. Each time they asked a question they would slap you or hit you with a fist.... After [two days] we were released without charge.<sup>51</sup>

### *Police torture and mistreatment of 15 trade unionists*

In the context of the suppression of the September 13, 2006, mass demonstrations involving Zimbabwe Congress of Trade Unions members (see Section IV, above), police took 15 trade unionists whom they had arrested at a Harare demonstration, including ZCTU President Lovemore Matomobo and Secretary General Wellington Chibebe, to Matapi police station.<sup>52</sup> According to the activists, soon after they arrived at the station five police officers took them in pairs to a room and proceeded to brutally beat them. In a DVD obtained by Human Rights Watch the trade unionists reported that police beat them with batons and punched and kicked them. Some said that the police had repeatedly banged their heads against the wall. During the beatings police allegedly accused the unionists of “working with the whites,” and attempting to overthrow the government. The beatings, which lasted for between 15 and 20 minutes, were so severe that a number of the unionists lost consciousness.<sup>53</sup>

Lawyers representing the unionists told Human Rights Watch that they were initially denied access to their clients and that police refused to provide the injured unionists with medical assistance. After almost 24 hours in custody the unionists were eventually taken to Parirenyatwa hospital in Harare after lawyers obtained a court

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<sup>51</sup> Human Rights Watch interview with Simbarashe Moyo, Harare, September 27, 2006.

<sup>52</sup> Ibid.

<sup>53</sup> DVD of demonstrations of ZCTU activists and interviews with the beaten activists in hospital, on file with Human Rights Watch.

order that police allow access to medical treatment.<sup>54</sup> Medical records obtained from Parirenyatwa hospital by Human Rights Watch indicate that the unionists sustained injuries ranging from fractured limbs to extensive bruising, deep cuts to the head, and perforated eardrums. The hospital admitted two of the unionists for treatment for extensive injuries including multiple fractures.

Dr. Reginald Machaba Hove, a medical doctor who initially examined all the unionists, told Human Rights Watch:

I first saw the ZCTU activists on Thursday evening [Sept 14]... I got to Parirenyatwa hospital around 8 p.m. They [the ZCTU activists] pitched up at 9 p.m. They came in two cars, police vehicles. There were many of them [the police], some in riot gear. There appeared to be one officer for each of the 15 and one or two senior commanders. [ZCTU Secretary General] Chibebe was in a bad way. His arm was obviously fractured. He was holding it against his chest. They [the activists] were in obvious pain. They were shuffling, which to me was an indication that they had been shackled at some point. Chibebe's shirt was covered in blood. I overheard one of the [medical] casualty officers at the hospital say that "these are prisoners. It is not urgent. We will treat them tomorrow." I had to speak to him and eventually he agreed to check them. He was quite shocked by what he saw. X-rays were carried out and they revealed that most of them had fractures. I was there at the hospital until 3:30 a.m.

I was really shocked and taken back by what I saw. To me the injuries showed that they were trying to protect themselves. They were trying to protect their heads using their raised arms. They had fractures to their arms, wrists, and fingers. They all had defensive injuries. The blows were coming to their heads. Chibebe had cuts to his head. Most of them had severe bruises. They were black and blue and swollen all over their bodies—on the buttocks, everywhere. Even those without

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<sup>54</sup> Human Rights Watch interview with Tafadzwa Mugabe, September 22, and with Alec Muchadehama, October 4, 2006.

fractures were limping and in pain. There were severe soft tissue injuries in all of them. Chibebe has a shattered fracture. It is not a clean fracture, which shows that extreme force caused it.

I have never seen anything like this before.... They were denied medical access for more than 24 hours. The beating was so callous and hard.<sup>55</sup>

On September 15 the authorities charged the activists in court under section 37 of the Criminal Law (Codification and Reform) Act (Chapter 9:23) for participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry.<sup>56</sup> Wellington Chibebe was unable to attend court because of his injuries, so charges were brought against him while he was in his hospital bed.<sup>57</sup>

### *Gender-based cruel and degrading treatment*

The 63 WOZA activists who were arrested and detained for three days in February 2006 (see Section V, above) were held in cells that were overcrowded and filthy. While in detention the women were subjected to humiliating treatment: they were ordered to strip naked, had their underwear taken away, and were denied sanitary pads. Police also allegedly threatened some of the women with rape. Similarly, the student activist Simbarashe Moyo, whose account of ill-treatment in detention in May is given above, said, “We had five female student leaders with us. They were really upset and crying. A couple of them needed sanitary pads but the police said no. Imagine that? These women were there for two days without pads.”

## **Impunity**

The government has done little to address the issue of torture and mistreatment of detainees in police custody. Human rights lawyers report that incidents of excessive use of force and torture by the police and intelligence officers are rarely investigated. Recent

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<sup>55</sup> Human Rights Watch interview with Dr. Reginald Machaba Hove, Harare, September 26, 2006.

<sup>56</sup> Human Rights Watch interviews with Tafadzwa Mugabe, September 22; with Alec Muchadehama, October 4; and with Raymond Majongwe, October 2, 2006.

<sup>57</sup> Ibid.

statements by President Mugabe supporting the actions of the police in the case of the ZCTU activists, and threatening the use of force to quell demonstrations, only serve to highlight the culture of impunity that exists in the country: In addition to the statement quoted at the opening of this report, Mugabe in a speech on August 15, 2006, marking Defence Forces Day, responded to calls for peaceful protests by the opposition by stating, “We want to remind those that might turn on the state that we have armed men and women that carry guns and are allowed to pull the trigger on them.”<sup>58</sup>

To Human Rights Watch’s knowledge, the government has not investigated, prosecuted, or disciplined any security officials or police officers for their role in the torture and abuse of detainees documented in this report.

However, in the case of the 15 trade unionists, the judge who saw them in court on September 15 ordered an immediate investigation into the allegations of torture and other mistreatment.<sup>59</sup> The police initially declared that they would investigate the allegations, but later denied the charges of torture, claiming that the activists had fallen out of a police vehicle and sustained their injuries at the time.<sup>60</sup> Medical records viewed by Human Rights Watch and testimony of medical experts, as noted above, as well as the testimony of human rights lawyers who saw the victims soon after the incidents indicate otherwise. The records show that all of the injuries sustained by the victims were made by a blunt object, which corroborates the victims’ claims that they were beaten on the head, arms and back with batons. Moreover, according to medical experts who spoke to Human Rights Watch, the nature of the fractures that some of the detainees sustained is not consistent with falling from a vehicle.

During a second hearing of the case on October 3, Judge William Bhila dismissed police denials of torture and ordered a full independent investigation into the

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<sup>58</sup> “Mugabe: Zimbabwe Army Ready to ‘Pull Trigger’ On Insurrection,” *VOA news*, August 15, 2006, <http://www.voanews.com/english/Africa/Zimbabwe/2006-08-15-voa74.cfm> (accessed August 16, 2006). Mugabe’s remarks were translated from shona in the news report.

<sup>59</sup> Human Rights Watch interviews with human rights lawyers representing the trade unionists, Harare, September 22 and October 4, 2006. As noted above, Wellington Chibebe was unable to attend the September 15 court hearing.

<sup>60</sup> Police statements shown to Human Rights Watch by lawyer Alec Muchadehama on October 4, 2006, deny the allegations of torture. See also “Police defy magistrates order to investigate claims,” *IRINnews*, October 6, 2006, <http://www.irinnews.org/report.asp?ReportID=55856> (accessed October 6, 2006).



allegations. At the time of writing police were yet to indicate whether they would comply with the order to conduct an independent investigation into the incident.<sup>61</sup>

In many cases, incidents of torture and mistreatment are not reported to the police, and victims seek medical attention in only the most severe cases. Victims of human rights abuse have few avenues for seeking justice and redress for abuses perpetrated against them.<sup>62</sup> According to lawyers interviewed by Human Rights Watch, there are no proper internal police mechanisms for investigating cases of police abuse within the Zimbabwe Republic Police force.<sup>63</sup> In addition, Zimbabwe has no independent external body to adequately deal with cases of human rights abuses.<sup>64</sup>

In March 2006, the government declared that it would establish a Human Rights Commission to deal with violations of human rights in the country.<sup>65</sup> However, human rights activists are skeptical about the government's intentions and have questioned whether such a commission would be able to operate independently and impartially in the current political climate.<sup>66</sup>

Human rights activists also report that medical practitioners sometimes find it difficult to prove cases of assault and torture. One activist interviewed by Human Rights Watch said:

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<sup>61</sup> Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006. See also "Police defy magistrates order to investigate claims," *IRINnews*, October 6, 2006, <http://www.irinnews.org/report.asp?ReportID=55856> (accessed October 6, 2006).

<sup>62</sup> According to Zimbabwe's constitution, section 76 (4a), complaints about torture can be lodged with the police or the Attorney General may order and investigation into allegations of torture or other abuse. In general, the police are responsible for carrying out investigations into all crimes. There is no special procedure relating to a person in custody who raises a complaint about torture. Under section 113 (5) of the Criminal Procedure and Evidence Act, if a person appears in court and informs the magistrate that he or she has been tortured or abused while in custody, then the magistrate can order an investigation into the allegations. For more on this see Redress (London), "Torture in Zimbabwe, Past and Present: Prevention, Punishment, Reparation? A Survey of Law and Practice," June 2005, [http://www.redress.org/country\\_zimbabwe.html](http://www.redress.org/country_zimbabwe.html) (accessed October 25, 2006), p. 24.

<sup>63</sup> Human Rights Watch interviews with human rights lawyers, Harare, September 22 – October 4, 2006.

<sup>64</sup> The Ombudsman's office is the only body in Zimbabwe that is mandated to investigate the actions of government officials including abusive actions taken by state officials against members of the public, but the Ombudsman Act, 1982 precludes the Ombudsman from investigating the actions of the police, army, and prison services. See Redress, "Torture in Zimbabwe, Past and Present," pp. 10–17; Redress, "Zimbabwe: From Impunity to Accountability: Are Reparations Possible for Victims of Gross and Systematic Human Rights Violations?" March 2004, [http://www.redress.org/country\\_zimbabwe.html](http://www.redress.org/country_zimbabwe.html) (accessed October 25, 2006), p. 29.

<sup>65</sup> Violent Gonda, "Zimbabwe to set up own human rights commission," *SW Radio Zimbabwe news*, March 27, 2006.

<sup>66</sup> Tino Zakhata, "Storm over human rights commission," *IWPR*, June 23, 2006.

In the past few years I have been beaten and mistreated by the police many times. The last time, I was coming from a meeting with colleagues about the evictions when I was arrested in Mbare and taken to the police station and beaten by the police who accused me of belonging to the opposition. I was released without charge on the next day. I didn't go to the hospital or the police. I just went and healed by myself. For me there was no point in going to the hospital or reporting it to the police who are the abusers. The police usually beat you [on the soles of] your feet, or they slap you or hit you in a certain way that does not show injuries. It is very difficult for doctors to ascertain how the injuries came about. In most cases you just go home and rest until you feel better.<sup>67</sup>

Lawyer Alec Muchadehama told Human Rights Watch:

Once they [the police] see that they have assaulted [our clients] they invariably deny access because they know it will come to the attention of the lawyers. When they are due to appear in court the police tell them to walk straight and not to shuffle even when they are clearly in pain. This is in an attempt to hide their injuries. Some of the assailants cannot be identified because they involve intelligence officers and members of the army.<sup>68</sup>

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<sup>67</sup> Human Rights Watch interview with human rights activist (name withheld), Harare, September 28, 2006. The evictions the interviewee refers to are described in Human Rights Watch, *Evicted and Forsaken: Internally displaced persons in the aftermath of Operation Murambatsvina*, vol. 17, no. 16(A), December 2005, <http://hrw.org/reports/2005/zim1205/index.htm>.

<sup>68</sup> Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006.

## VII. Sustained Harassment and Intimidation of Human Rights Activists

The use of repressive tactics is not used solely on those who demonstrate—the authorities also use repression and intimidation to silence human rights advocates during the course of their daily work, and thus prevent them from exposing human rights abuses. Like student activists, human rights organizations have also been accused of supporting the opposition, and of receiving funds from Western donors to destabilize the country.<sup>69</sup> Human rights lawyer Alec Muchadehama told Human Rights Watch, “The police believe that human rights advocates want to topple a democratically elected government. Anything that is likely to link to human rights is construed as an attempt to change the government.”<sup>70</sup>

The determination of human rights defenders to expose human rights abuses, and create conditions for the respect of human rights, has made them natural targets for the Zimbabwean authorities. Human rights activists interviewed by Human Rights Watch in Harare said that they are repeatedly subjected to threats and harassment by the government and other state agents.<sup>71</sup> These threats take many forms including attacks in the state media by state officials, public statements by ministers, and threatening phone calls involving death threats by unknown persons purporting to speak on behalf of the government. Some human rights organizations report that their offices are sometimes subjected to random checks without warrant by police under the pretext of looking for incriminating material or evidence of criminal activities. Other activists report that police and intelligence officers often follow, harass and intimidate them.

An activist told Human Rights Watch:

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<sup>69</sup> Human Rights Watch interviews with human rights activists (names withheld), Harare, October 3-4, 2006. In a speech at the inaugural session of the UN Human Rights Council in Geneva on June 21, 2006, Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa accused local NGOs working on human rights and governance of being “financed by developed countries as instruments of their foreign policy,” and called for the security council to produce a framework which “prohibits direct funding of local NGOs”. According to the minister, the objectives of these foreign governments were to undermine sovereignty and promote disaffection and hostility among the local population. The full text of the speech can be found at <http://www.ohchr.org/english/bodies/hrcouncil/docs/statements/zimbabwe.pdf> (accessed June 22, 2006).

<sup>70</sup> Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006.

<sup>71</sup> Human Rights Watch interviews with human rights activists (names withheld), Harare, October 3-4, 2006.

My colleagues and I went on a demonstration in Harare in July. A hundred and twenty-eight of us were arrested and then released after spending four days in custody. The charges were dropped. Soon after that I received a phone call from a person who refused to be named. He told me to stop working with the NCA as it would only bring me trouble and then he hung up. I later found out that some of my other colleagues also received similar phone calls. None of us know who they were but it is obvious. This is what these intelligence people do.<sup>72</sup>

Human rights lawyers who have in the past six months been increasingly called upon to defend political and human rights activists often find themselves the targets of harassment. In May 2006, ZANU PF supporters and state agents threatened and verbally abused Muchadehama and his colleague Andrew Makoni when they attempted to represent students arrested by the police in Bindura for protesting against the high cost of student fees.<sup>73</sup> He told Human Rights Watch, “It is part of the work we do. We are sometimes verbally abused, insulted or threatened when we go to the cells. Bindura was worse because it is a ZANU PF stronghold.”<sup>74</sup>

Organizations such as the Law Society of Zimbabwe and individual human rights lawyers such as Arnold Tsunga, secretary of the Law Society and executive director of Zimbabwe Lawyers for Human Rights, have also been singled out for attack by state officials. On August 6 and 20 the head of the state run Media and Information Commission, Tafataona Mahoso, accused the Law Society and Tsunga of sponsoring “regime change” in the state-run *Sunday Mail* newspaper.<sup>75</sup> Similar allegations were made in another state-run newspaper, *The Herald*.<sup>76</sup>

The sustained harassment and vilification of human rights activists has a chilling effect on their right to freedom of expression and association and prevents them

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<sup>72</sup> Human Rights Watch interview with NCA activist (name withheld), Harare, September 26, 2006.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid. Human Rights Watch interview with Alec Muchadehama, Harare, October 4, 2006.

<sup>75</sup> See Tafataona Mahoso, “Lawyers’ body fights for return of Rhodesia” *Sunday Mail* (Harare), August 6, 2006; “LSZ leadership supports, mimics Western sponsors,” *Sunday Mail*, August 20, 2006.

<sup>76</sup> “A lawless society,” *The Herald* (Harare), editorial, August 12, 2006.

from doing their work. According to one human rights activist interviewed by Human Rights Watch:

If you constantly have to appear in court on unnecessary charges it can be draining. If you look behind you and see that a car has been following you for days, or the phone keeps ringing and someone is telling you they will kill you it is bad. The family also suffers. My wife is always on tenterhooks because of my work. If she just sees a car she doesn't know parked outside of our house she is scared.<sup>77</sup>

The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) provides standards by which the international community assesses states' treatment of rights defenders. The declaration sets down a series of principles and standards aimed at ensuring that states fully support the efforts of individual human rights defenders and human rights organizations, and ensure that they are free to conduct their activities for the promotion, protection and effective realization of human rights without hindrance or fear of reprisals.<sup>78</sup>

Key articles in the Declaration on Human Rights Defenders include the right to promote human rights and fundamental freedoms, and to meet and assemble peacefully for the purpose of promoting universally recognized human rights.<sup>79</sup> The Declaration also confirms the right to criticize government policy and action in relation to human rights, and the right to adequate protection and an effective

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<sup>77</sup> Human Rights Watch interview with human rights activist (name withheld), Harare, October 4, 2006.

<sup>78</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), A/RES/53/144, March 8, 1999.

<sup>79</sup> The Declaration on Human Rights Defenders, article 1, states that, "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Article 12 (1) elaborates: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms." Article 5 guarantees the right to assembly and to join and participate in nongovernmental organizations, associations, or groups for the purpose of promoting and protecting human rights. Article 14 states, "The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights."

remedy when an individual's rights are violated as a result of efforts to promote fundamental rights and freedoms.<sup>80</sup>

## **Acknowledgements**

This report was researched and written by Tiseke Kasambala, researcher in the Africa division at Human Rights Watch. The report was edited and reviewed by Georgette Gagnon, deputy director of the Africa division, James Ross, senior legal advisor and Ian Gorvin, consultant to the program office. Production coordination was provided by Hannah Vaughan-Lee, Africa division associate and Andrea Holley, publications director.

Human Rights Watch would like to thank everyone who agreed to be interviewed for this report. We would also like to thank all the individuals and local organizations who provided information, advice and assistance during the research and preparation of this report. In particular we wish to thank Zimbabwe Lawyers for Human Rights for providing us with invaluable assistance and sharing their knowledge of Zimbabwe's legal system.

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<sup>80</sup> Declaration on Human Rights Defenders, article 12 (3).