

ANGOLA LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

ANGOLA

Action for human rights in the Southern African Development Community

Human rights are under attack every day in countries in southern and eastern Africa. The police, under pressure to fight rising levels of crime or through political manipulation and corruption, torture and ill-treat criminal suspects and political activists. They use excessive and unjustified lethal force to suppress peaceful protest, and arbitrarily detain government opponents.

Positive examples of “community policing” demonstrate that cooperation between local communities and police, using lawful methods, can be effective in helping to combat crime. In some countries, police response to crimes such as rape and domestic violence has improved. Local human rights and community-based organizations have played a vital role in these developments.

Yet such efforts will fail unless accompanied both by effective systems of accountability where police have committed human rights abuses and by training in human rights and professional skills. In the Southern African Development Community (SADC) region, Amnesty International members are taking joint action with other human rights organizations. They are campaigning now for police services to be more effective and accountable to the communities they serve and to protect the human rights of all, without distinction.

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Policing in Angola

Decades of civil war have left Angola with massive internal displacement and major weaknesses in state institutions, including those whose role is to protect human rights. The police were often used for political purposes and as a fighting force. They were allowed to act with impunity and were given little, if any, professional training appropriate to civilian policing. A cease-fire signed in April 2002 effectively ended hostilities and created opportunities to strengthen human rights in Angola.

Despite evidence of some improvement in the treatment of criminal suspects in police stations, police officers are still not held to account for human rights violations and abuses continue. The under-resourced criminal justice system, where it exists, is unable to cope with the increased rate of violent crime. Together with inadequate professional and human rights training, this encourages recourse to excessive use of force.

Human rights violations

Civilians have been injured or killed as a result of excessive and lethal force by police during demonstrations. In July 2001 armed officers of the paramilitary Polícia de Intervenção Rápida, Rapid Intervention Police, with the regular police and army, killed two people and injured others when they fired on protesters and residents in the Boavista neighbourhood of Luanda. The authorities promised an investigation but none has been carried out.

Socially marginalized groups have had their human rights violated by the police. Poorly paid officers beat street vendors, prostitutes and others who do not comply with demands for bribes.

Police officers have been dismissed for disciplinary offences but the authorities have failed to prosecute officers suspected of torture or other human rights violations.

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Legislative framework

Incommunicado detention can encourage torture and ill-treatment. The Pre-Trial Detention Law of 1992 allows for detainees to be held incommunicado until their first interrogation by the prosecuting

magistrate and for their incommunicado detention to be extended for up to 10 days in cases of crimes against the security of the state.

There are no independent oversight bodies for the investigation of complaints against the police. The intention to establish an independent Ombudsman, the Provedor de Justiça, who would respond to human rights violations, including by the police, has not materialized.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

To improve accountability, governments must:

- investigate and bring to justice officials and officers responsible for human rights violations;
- reform laws, regulations and operational procedures to bring them in line with international human rights standards;
- set up independent, publicly accountable and accessible bodies to investigate complaints of human rights violations by the police and to ensure effective remedial action;
- encourage civil society partnerships with the police to strengthen police services to the community, within the rule of law.

Police training should:

- include training in human rights based on international and regional human rights standards for new and serving officers;
- integrate respect for human rights into all operational skills training;
- be guided by long-term monitoring and evaluation of the impact and efficacy of training, and by the development of a pool of skilled trainers.

(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Angola to strengthen police accountability and training, and also to:

- incorporate constitutional provisions for the protection of human rights into national law in accordance with international human rights standards;
- accede to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- amend the Code of Penal Procedure to bring it into line with international human rights standards;
- establish as soon as possible the office of the Provedor de Justiça, provided for in the Constitution.

Send your letters to the President:

José Eduardo dos Santos, Presidente da República,
Gabinete da Presidência da República,
Palácio do Povo, Luanda,
Angola

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Amnesty International South Africa
PO Box 29083, Sunnyside 0132

Pretoria, Gauteng
South Africa

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International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org
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AI Index: AFR 03/005/2002

BOTSWANA LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

BOTSWANA

(COMMON TEXT)

Action for human rights in the Southern African Development Community

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(PAGE 2)

Policing in Botswana

Although Botswana enjoys relative peace and stability, rising crime levels represent a serious concern for citizens and a challenge for the Botswana National Police Service. The police have been engaged in a reform process since the mid-1990s that emphasizes "community policing" and respect for human rights. The police service has shown itself willing to respond to concerns within civil society. It set up toll-free telephone lines in several parts of the country to facilitate the reporting of domestic violence

and sex crimes following public criticism about its handling of such cases. The police have also carried out public opinion surveys on perceptions of their service.

Human rights violations

Despite the positive work done to reform the police service and inculcate respect for human rights, ill-treatment of criminal suspects and excessive use of force by the police continue to be reported by credible sources. Suspects are reported to have been beaten primarily to extract information but also as a form of punishment. Crime suspects are said to have suffered torture by suffocation. The paramilitary police, the Special Support Group, have reportedly used excessive force during the policing of demonstrations and when arresting suspects.

Further reforms needed

Under international human rights law, governments are obliged to investigate allegations of human rights violations. Botswana has no independent body which can investigate and take action on complaints of human rights violations by the police. The mandate of the Office of the Ombudsman does not allow it to investigate complaints relating to the security of the state or to the investigation of crimes. This severely limits its ability to investigate complaints against the police. The absence of an independent complaints investigation mechanism is a significant flaw in Botswana's police reform process.

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Botswana is a party to most international human rights treaties, including the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, a number of provisions that relate to torture in Botswana's national laws are inconsistent with these treaties. For example, although the Criminal Procedure and Evidence Act prohibits involuntary confessions being used against an accused person, evidence obtained as a result of an involuntary confession is admissible in court if it is considered relevant.

How to strengthen policing across the region

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(page 4)

TAKE ACTION NOW

Send letters urging the government of Botswana to strengthen police accountability and training, and also to:

- ensure that torture is defined as a crime in law, as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Botswana is a state party;
- repeal or amend laws which allow the use in any proceedings of any statements or evidence obtained as a result of torture or ill-treatment, except as evidence against the person accused of torture or ill-treatment;
- ensure that provisions relating to police use of lethal force in the Constitution, national laws or regulations conform with international human rights standards and reflect the principles of necessity and proportionality in the use of force.

Send your letters to the President:
His Excellency Mr Festus Mogae, President,
P/bag 001, Gaborone, Botswana

[box]

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LESTHO LEAFLET

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LESOTHO

(Common text)
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(page 2)

Policing in Lesotho

Following the transition to multi-party democracy in 1993 the government of Lesotho took steps to improve the human rights situation in the country. Under a program to reform the police service, the 1998 Police Act introduced a civilian Directorate of Policing, which will provide greater oversight of the police, and a Police Complaints Authority. The police training syllabus has been revised and now includes training on human rights in basic training and most in-service courses. New police recruits have received some training on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the government ratified in November 2001.

Human rights violations

Ill-treatment and torture of criminal suspects by the police is usually aimed at obtaining information or forcing a confession. Such abuses are also inflicted as a form of punishment. Since its formation in 1999 the Counter Crime Unit (CCU), comprising both army and police officers, has reportedly committed acts of torture and ill-treatment with impunity. Concern over its political direction and lack of accountability has been expressed both within the police service and by the wider society. In an effort to reform the CCU, the army component was removed at the end of 2001.

The police have used excessive force when policing demonstrations. For example, in October 2001 officers used whips to disperse striking clothing industry workers on the streets of Maseru.

The police often fail to investigate or deal sensitively with reports of rape and domestic violence. Victims of such crimes are obliged to make detailed statements at public desks in police stations and are often subjected to humiliating questions.

Weaknesses in the reform process

While efforts at reform are welcome, more needs to be done. No effective mechanism yet exists to investigate complaints against the police. The Police Complaints Authority has yet to be established and, under the present legislation, will not be able to receive complaints directly from the public. It is unclear what action will be taken as a result of any investigations it may undertake.

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The value of the new human rights training is compromised by the failure to monitor and evaluate its impact or to provide follow-up support to newly trained officers. Also, the practice of placing new recruits in operational roles for some months before training exposes them to the attitudes and behaviour that training aims to change.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

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(page 4)

TAKE ACTION NOW

Send letters urging the government of Lesotho to strengthen police accountability and training, and also to:

- establish the Police Complaints Authority without delay and amend the 1998 Police Act to allow members of the public direct access to the Police Complaints Authority and to ensure transparent and effective action in response to its findings and recommendations;
- ensure that new recruits complete the full course of basic training before undertaking any police work, and to monitor and evaluate the impact and efficacy of human rights training for the police.

Send your letters to the Commissioner of Police:

Mr J. Malewa, Commissioner of Police,
P.O. Box 13, Maseru 100, Lesotho

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Policing to protect human rights in countries of the Southern African Development Community

MALAWI

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(PAGE 2)

Policing in Malawi

State-sponsored violence and human rights violations were widespread during three decades of government under President Kamuzu Banda. Following the move to multi-party democracy in 1994, the human rights situation has improved. Human rights are guaranteed in the Constitution and in 1996 Malawi ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

However, safeguards to prevent serious human rights violations are not yet fully developed. The police are few in number, ill-equipped and inadequately trained.

Human rights violations

Reports persist of torture and lengthy unlawful detention by the police, mostly of criminal suspects. Detainees have been severely beaten before any investigation has taken place.

Freedoms of expression and peaceful assembly continue to be obstructed. The police have used excessive and at times unjustified lethal force during arrests and demonstrations. Peaceful demonstrators have been injured and killed.

Government critics have been subjected to police harassment. Opposition supporters or newspaper journalists who have criticized the government have been arrested.

Accountability of the police

Some police officers have been prosecuted for human rights violations and convicted of serious offences.

However, it remains difficult for citizens to bring complaints against police abuses. The Police Act does not provide for a police complaints authority. Complaints are investigated and disciplinary action taken by internal police processes that are neither independent nor transparent. Complaints handled under these procedures have rarely addressed allegations of human rights violations.

Two recently established institutions, the Office of the Ombudsman and the Human Rights Commission, have investigated some reports of human rights violations by the police. However, they have the capacity to handle only a relatively small number of cases, especially in rural areas.

Since 1999, in most sub-districts, a Community Police Forum (CPF) has been established in which members of the community and the police work together to prevent crime. However, the role of CPFs is not defined in law or in police regulations. There are no provisions, for example, for members of the community to routinely visit police stations to check the conditions and treatment of detainees.

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Inadequate training

A 1996 reform program to strengthen professional policing skills, set up with assistance from the United Kingdom Department for International Development (DfID), has been expanded. With the help of non-governmental organizations, the police and DfID have made efforts to reach officers with human rights education materials.

However, police training is still inadequate. Long-term and comprehensive human rights training and new systems to increase accountability are needed to bring about fundamental changes in police behaviour. Training is required particularly in investigation and interview techniques, public order policing and in the use of force and firearms

How to strengthen policing across the region

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(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Malawi to strengthen police accountability and training, and also to:

- amend or repeal laws that allow evidence obtained as a result of torture to be used in legal proceedings, to bring them into conformity with international human rights standards;
- ensure that all police officers have clear regulations and instructions on the minimum and proportionate use of force and the total prohibition of torture;
- establish an independent, adequately resourced and accessible Police Public Complaints Authority without delay, and ensure that action is taken as a result of its investigations;
- define the role in law and regulations of members of every Community Policing Forum to ensure their impartiality and respect for human rights, and to provide for community monitoring of police stations.

Send your letters to the Minister of Home Affairs:

The Hon. Manjeza Maluza
Minister of Home Affairs and Internal Security
Private Bag 331, Capital City, Lilongwe 3, Malawi

[BOX]

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Centre for Human Rights and
Rehabilitation (CHRR)
P.O. Box 2340, Lilongwe, Malawi

Amnesty International South Africa
PO Box 29083, Sunnyside 0132
Pretoria, Gauteng, South Africa

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MAURITIUS LEAFLET

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(PAGE 2)

Policing in Mauritius

The Constitution of Mauritius contains human rights guarantees that prohibit arbitrary arrest and detention, and torture and inhuman treatment. However, laws such as the 1986 Dangerous Drugs Act and the 2002 Prevention of Terrorism Act allow incommunicado detention for up to 36 hours and denial of bail. In 1999 the police established a Complaints Investigation Bureau, which investigates allegations of abuses by officers. A National Human Rights Commission, set up in 2001, oversees its investigations.

Deaths in custody and torture

At least 13 deaths in police custody between January 1996 and April 2002 have been or are the subject of judicial inquiries. The inquest into the death in custody of Joseph Reginald Topize, the singer known as Kaya, in February 1999, was reopened in January 2002. Independent autopsies had revealed signs of beating, contradicting the findings of the official autopsy which had confirmed the police account that he committed suicide.

Relatives have challenged official explanations for the deaths of three detainees in 2001. The National Human Rights Commission found that one detainee was denied medical care after being injured in an alleged escape attempt and that checks had not been carried out on another detainee who reportedly killed himself. It recommended that the authorities should institute judicial inquiries into all such cases and should provide medical representation at official autopsies for relatives.

Detainees and criminal suspects, including children, have accused the police of using torture or ill-treatment, usually to extract confessions. Yet investigations into deaths in police custody by the National Human Rights Commission, the police Complaints Investigation Bureau and the prosecuting authorities have not resulted in disciplinary or legal action against police officers. However, following allegations of police brutality in five cases between April and May 2002, officers were interrogated or suspended in connection with police investigations.

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Allegations of excessive force

The police are reported to have used excessive force in response to demonstrations and during arrests, resulting in injury and deaths. A government inquiry criticized police handling of the protests following Kaya's death in which three people were shot dead, at least one by the police. In another case, four police officers were suspended after Rajen Sabathapee was allegedly shot in the back on 21 January 2000 while trying to escape arrest. They are currently on trial on charges of murder.

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(PAGE 4)

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Send letters urging the government of Mauritius to strengthen police accountability and training, and also to:

- repeal or amend legislation that allows incommunicado detention or removes the jurisdiction of the courts in decisions on bail, including the 1986 Dangerous Drugs Act and the 2002 Prevention of Terrorism Act;
- ensure that torture is defined as a crime in law, as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Mauritius is a state party;
- ensure that investigations into allegations of torture or other human rights violations by the police are independent and impartial, that accused officers are suspended pending the result of investigations, and that those responsible are subject to disciplinary action or prosecution before the courts.

Send your letters to the Prime Minister:

The Hon. Anerood Jugnauth, Prime Minister

Office of the Prime Minister, Government House Port Louis, Mauritius

[BOX]

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Amnesty International Mauritius
BP 69, Rose-Hill
Mauritius
e-mail: amnesty@intnet.mu

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
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MOZAMBIQUE LEAFLET

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MOZAMBIQUE

(common text)

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(page 2)

Policing in Mozambique

The 1992 peace agreement that ended 16 years of internal armed conflict provided new opportunities for better policing in Mozambique. A project began in 1998 to retrain the estimated 18,000-strong police

force. However, since the withdrawal of support from some aid donors, only one third of all officers have been retrained.

A provision allowing incommunicado detention for up to 48 hours until the detainee's appearance before a judicial authority remained in the 2001 draft revised Criminal Procedure Code that has not yet passed into law.

There are no effective oversight mechanisms to deal with complaints against the police.

Human rights violations

In the aftermath of the civil war, increasing levels of violent crime have put the government under pressure to curb crime by all means. After police were retrained, reports of human rights violations decreased. However, since late 2000 the incidence of violations has risen again. Police routinely torture or ill-treat criminal suspects, usually beating them. Some detainees have died under torture, others have been extrajudicially executed. Police abuse their powers to obtain sexual favours. Street children are particularly vulnerable to beatings by police as a form of punishment for real or perceived offences.

In November 2000 there were nationwide opposition demonstrations, some of them violent, in which at least 41 people died, including six police officers. In Chimoio, Manica Province, police hit protesters with rifle butts before the march had begun, and in the city of Nampula they reportedly fired without provocation and indiscriminately, shooting dead one person as the crowd dispersed. Subsequently, 83 people died in just one night in a small police cell in Montepuez, most from suffocation.

The paramilitary Polícia de Intervenção Rápida, Rapid Intervention Police, have used excessive force against peaceful demonstrators. They have also beaten members of the public in the course of street patrols which are normally the function of the ordinary police.

(page 3)

On occasion, police officers have been dismissed for disciplinary offences but very few have been brought to justice for torturing detainees or carrying out extrajudicial executions. There is little opportunity for redress for the victims of human rights violations by the police, who usually have to seek the support of non-governmental organizations to raise their cases with the authorities.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPPCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

To improve accountability, governments must:

- investigate and bring to justice officials and officers responsible for human rights violations;
- reform laws, regulations and operational procedures to bring them in line with international human rights standards;
- set up independent, publicly accountable and accessible bodies to investigate complaints of human rights violations by the police and to ensure effective remedial action;
- encourage civil society partnerships with the police to strengthen police services to the community, within the rule of law.

Police training should:

- include training in human rights based on international and regional human rights standards for new and serving officers;
- integrate respect for human rights into all operational skills training;
- be guided by long-term monitoring and evaluation of the impact and efficacy of training and by the development of a pool of skilled trainers.

(page 4)

TAKE ACTION NOW

Send letters urging the government of Mozambique to strengthen police accountability and training, and also to:

- ensure that torture is defined as a crime in law, as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Mozambique is a state party;
- amend police regulations to ensure that the use of force and firearms conforms to international human rights standards;
- ensure that the Rapid Intervention Police are not used to carry out ordinary policing functions;
- establish as soon as possible an adequate and independent oversight mechanism.

Send your letters to the President:
Joaquim Chissano, Presidente da República
Av. Julius Nyerere 2000, Maputo
Mozambique

[box]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Amnesty International Mozambique,
c/o Ajude, Avenida Albert Lithuli 1160
Maputo, Mozambique
Tel. +258 (0)1 312854
e-mail: ajude@ajude.org

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org
[end box]

[box]

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[end box]

AI Index: AFR 03/005/2002

Policing to protect human rights
in countries of the Southern African Development Community

NAMIBIA

Action for human rights in the Southern African Development Community

Human rights are under attack every day in countries in southern and eastern Africa. The police, under pressure to fight rising levels of crime or through political manipulation and corruption, torture and ill-treat criminal suspects and political activists. They use excessive and unjustified lethal force to suppress peaceful protest, and arbitrarily detain government opponents.

Positive examples of “community policing” demonstrate that cooperation between local communities and police, using lawful methods, can be effective in helping to combat crime. In some countries, police response to crimes such as rape and domestic violence has improved. Local human rights and community-based organizations have played a vital role in these developments.

Yet such efforts will fail unless accompanied both by effective systems of accountability where police have committed human rights abuses and by training in human rights and professional skills. In the Southern African Development Community (SADC) region, Amnesty International members are taking joint action with other human rights organizations. They are campaigning now for police services to be more effective and accountable to the communities they serve and to protect the human rights of all, without distinction.

(PAGE 2)

Policing in Namibia

Namibia is party to a number of international human rights treaties, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Constitution contains a comprehensive Bill of Rights. However, serious human rights violations in recent years have overshadowed positive initiatives such as the ban on police use of sjamboks (whips).

Human rights violations in the northeast

The majority of human rights violations have occurred in northeastern Namibia. Mass arrests and torture by the armed forces and police followed the secessionist uprising in Caprivi in August 1999. The paramilitary police, the Special Field Forces (SFF), have regularly been implicated in arbitrary arrests, excessive use of force, beatings and “disappearances”. Abuses have also been committed on Namibian territory by Angolan government and opposition forces.

Discriminatory treatment by the police

Ethnic tensions underlie many human rights violations in the northeast. The SFF, drawn mainly from the majority Ovambo ethnic group, have allegedly targeted minority ethnic groups such as the Mafwe and Khwe and others on suspicion of secessionism or supporting the armed opposition in Angola. In recent years government statements, in some cases addressed directly to police officers, have advocated the arrest of homosexuals. Men suspected of being gay have been detained and assaulted by the police.

Lack of training

Although the SFF makes up more than half of Namibia’s police force, its officers receive inadequate training in law enforcement duties and responsibilities. This lack of training and the military experience of many officers, who were combatants in the armed conflict prior to Namibia’s independence, make them unqualified for a policing role in most cases.

The SFF training differs from that for regular police officers and focuses on operational matters. The Namibian Police Human Rights Manual, a manual used in police training by a local civil society group, has not been used in the training of new recruits or the SFF.

(PAGE 3)

Impunity

Under international human rights law, governments are obliged to investigate allegations of human rights violations. However, mechanisms for dealing with public complaints of human rights violations by the police are ineffective in Namibia. The Office of the Ombudsman is under-resourced. It conducts only preliminary investigations into complaints of police abuses and refers cases to the Police Complaints and Discipline Unit. This Unit is not independent and complainants are rarely informed of the results of investigations.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPPCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

To improve accountability, governments must:

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(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Namibia to strengthen police accountability and training, and also to:

- review the training of the SFF, and ensure that all police officers, including the SFF and recruits, receive comprehensive training that includes human rights training based on the Namibian Police Human Rights Manual. Adequate financial and staff resources should be allocated to such training;
- ensure that torture is defined as a crime in law, as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Namibia is a state party.

Send your letters to the President:

His Excellency Dr Sam Nujoma
President, Office of the President
State House, Robert Mugabe Avenue
Private Bag 13339, Windhoek, Namibia

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Legal Assistance Centre
PO Box 604
Windhoek, Namibia
tel: +264 (0)612 23356
fax: +264 (0)612 34953
e-mail: ntjombe@lac.org.na

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org
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AI Index: AFR 03/005/2002

SOUTH AFRICA LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

SOUTH AFRICA

Action for human rights in the Southern African Development Community

Human rights are under attack every day in countries in southern and eastern Africa. The police, under pressure to fight rising levels of crime or through political manipulation and corruption, torture and ill-treat criminal suspects and political activists. They use excessive and unjustified lethal force to suppress peaceful protest, and arbitrarily detain government opponents.

Positive examples of "community policing" demonstrate that cooperation between local communities and police, using lawful methods, can be effective in helping to combat crime. In some countries, police response to crimes such as rape and domestic violence has improved. Local human rights and community-based organizations have played a vital role in these developments.

Yet such efforts will fail unless accompanied both by effective systems of accountability where police have committed human rights abuses and by training in human rights and professional skills. In the Southern African Development Community (SADC) region, Amnesty International members are taking joint action with other human rights organizations. They are campaigning now for police services to be more effective and accountable to the communities they serve and to protect the human rights of all, without distinction.

(PAGE 2)

Policing in South Africa

Since the transition to democracy in 1994, policing in South Africa, previously an instrument of apartheid state repression, has been redirected. The new South African Police Service is endeavouring to serve impartially all the country's communities within a framework of constitutional law founded on respect for human rights. Police training has incorporated training on the use of minimum force in public order policing and on legal and human rights standards relating to other policing functions. The police are subjected to the scrutiny of an independent oversight body, the Independent Complaints Directorate (ICD), and are answerable, through the National Commissioner of Police and the Minister of Safety and Security, to the National Parliament.

The 'war against crime' and the protection of human rights

South Africa suffers from high levels of violent crime. The extent of the problem and public concern, particularly from the late 1990s, has placed the government and the police under pressure to respond ruthlessly, at a time when the transition from past practices was barely completed. This pressure has been underscored by the high rate of killings of police officers and by the beating or killing of suspected criminals by some locally based anti-crime vigilante groups. Refugees, asylum-seekers and other vulnerable groups have sometimes become targets of this violence.

These circumstances have provided the main context for human rights violations by the police in recent years. Torture – including the use of electric shocks and suffocation – and systematic beatings, as well as summary executions of arrested crime suspects by police officers, have been reported.

Although there is often little public sympathy for the victims, these serious human rights violations gravely undermine the professionalism of the police and their ability to provide effective, long-term security. Such abuses also subvert the integrity of positive police initiatives which are resulting in improved services for victims of crime and in police-community partnerships to reduce crime using lawful methods.

(PAGE 3)

In a ruling on 21 May 2002, the Constitutional Court clarified the circumstances in which it is constitutionally permissible to use force, including deadly force, when making arrests or preventing a suspect from escaping. It commented:

“The state is called upon to set an example of measured, reasonable and proportionate responses to antisocial conduct and should never be seen to condone, let alone to promote, excessive violence against transgressors. Its role in our violent society is rather to demonstrate that we are serious about the human rights the Constitution guarantees for everyone, even suspected criminals. An enactment [section 49(2) of the Criminal Procedure Act] that authorises police officers in the performance of their public duties to use force where it may not be necessary or reasonably proportionate is therefore both socially undesirable and constitutionally impermissible”.

The State v Walters, Case CCT 28/01

The Court emphasized that its ruling did not deny police officers their “right... to protect their lives and personal safety and those of others.” It stressed that the guiding principles, however, must be to use the least degree of force “reasonably necessary” to carry out an arrest, and to refrain from deadly force unless the suspect posed a threat to life or of serious bodily harm. International standards allow the intentional lethal use of firearms only when strictly unavoidable to protect life.

Effective, lawful and humane policing – essential to securing a social order for all human rights to be realized – requires entrenching a culture of accountability. Accountability is pivotal to the development of professional police services and to protecting the rights of victims of human rights violations. South Africa has established an oversight body which is one of the most developed in the region. The work of the ICD has helped ensure that, in some cases of torture or extrajudicial execution, police officers have been brought to justice. However, the government needs to strengthen the ICD's ability to fulfil its mandate by giving it a legislative basis that is clearly independent of the Safety and Security Ministry and sufficient resources for its investigative and monitoring functions.

(PAGE 4)

TAKE ACTION NOW

Urge the government and the national police authorities in South Africa to take all necessary measures to enhance the professionalism and accountability of the police by:

- bringing all national laws, police regulations and operational procedures fully into conformity with the country's obligations under international and regional human rights standards, as well as with the South African Constitution;
- ensuring that these human rights standards, the rulings of the Constitutional Court and other legal requirements are fully incorporated into operational skills training for new and serving officers;
- ensuring full accountability for human rights violations committed by police officers by strengthening the Independent Complaints Directorate and police internal disciplinary bodies;
- publicly promoting the importance of policing that is conducted lawfully and in conformity with human rights standards in the "war against crime".

Send your letters to:

Mr Charles Nqakula	Mr J Selebi
Minister of Safety and Security	National Commissioner of the
Ministry of Safety and Security	South African Police Service
Private Bag x463	Police Headquarters, Private Bag x922
Pretoria 0001, South Africa	Pretoria 0001, South Africa

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Amnesty International South Africa
PO Box 29083, Sunnyside 0132
Pretoria, Gauteng, South Africa

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW, United Kingdom
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AI Index: AFR 03/005/2002

SWAZILAND LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

SWAZILAND

Action for human rights in the Southern African Development Community

Human rights are under attack every day in countries in southern and eastern Africa. The police, under pressure to fight rising levels of crime or through political manipulation and corruption, torture and ill-treat criminal suspects and political activists. They use excessive and unjustified lethal force to suppress peaceful protest, and arbitrarily detain government opponents.

Positive examples of “community policing” demonstrate that cooperation between local communities and police, using lawful methods, can be effective in helping to combat crime. In some countries, police response to crimes such as rape and domestic violence has improved. Local human rights and community-based organizations have played a vital role in these developments.

Yet such efforts will fail unless accompanied both by effective systems of accountability where police have committed human rights abuses and by training in human rights and professional skills. In the Southern African Development Community (SADC) region, Amnesty International members are taking joint action with other human rights organizations. They are campaigning now for police services to be more effective and accountable to the communities they serve and to protect the human rights of all, without distinction.

Policing in Swaziland

Fundamental human rights remain at risk in Swaziland. Since the suspension of the country’s first Constitution in 1973, executive, legislative and judicial powers have been primarily vested in the King, with the rights to freedom of association, peaceful assembly and expression severely curtailed. In August 2001 the five-year-long Constitutional Review Commission published its report and recommended that the executive powers of the King should be strengthened further and the ban on political parties maintained. It also recommended that the supremacy of Swazi “customs and traditions” be upheld, even where they conflicted with international human rights standards. The constitution drafting committee appointed by King Mswati III in December 2001 has not completed its work and the results remain unclear.

In addition, despite Swaziland’s membership of the current UN Commission on Human Rights, the government has failed to sign and ratify key international human rights treaties which have an impact on the conduct of policing. These include the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; and the UN Convention on the Elimination of All Forms of Discrimination against Women. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

Political misuse of the police

The professionalism and efficiency of the police have for years been undermined by their use to repress political opposition. Police energies have been misused to disperse with excessive force political gatherings deemed to be illegal, and to monitor, harass and disrupt the work of journalists and other media workers. They have intimidated members of rural communities who objected to the imposition of a chief by the authorities, and have arbitrarily arrested, ill-treated and in some cases tortured members of trade unions and banned political organizations.

(PAGE 3)

The policing of ordinary crime

Many people in Swaziland are concerned about the numerous incidents of criminal violence which affect the safety and security of their communities and households. Yet the police are too poorly equipped and trained to investigate crime efficiently and professionally. They appear to rely on

extracting confessions by coercive and violent methods, including torture by suffocation. “Civilian community police” in local areas have also acted brutally against crime suspects.

The Non-Bailable Offences Order, which prevents the courts from granting bail to suspects charged with certain offences, does not require the police to show that they have a case against the suspect. Detained suspects can wait for several years before standing trial and many are eventually acquitted for lack of evidence against them.

Women and girls who are victims of rape or other violence within the family often face discrimination and hostility when they seek assistance from the police against the perpetrators. For women, their status as minors under the law increases their difficulty in seeking redress and makes them vulnerable to abuse and to secondary victimization by the police.

Oversight and accountability

The government has in general failed to prosecute or otherwise discipline police officers for human rights violations and other abuses. There is no permanently established, independent, accessible body which has the authority to investigate and publicly report on police abuses. For victims of police abuses who have access to legal assistance, the only form of redress is through instituting legal action for damages against the police. Even so, they will face many obstacles and drawn-out proceedings.

Training

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO) have promoted international human rights standards and initiated some human rights training programs. Some recent initiatives involving SARPCCO and United Kingdom police trainers have opened up prospects for improved skills and human rights training for the Swazi police, but the results are not yet evident.

(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Swaziland to strengthen police accountability and training.

To improve accountability, the government must:

- investigate and bring to justice officials and officers responsible for human rights violations;
- reform laws, regulations and operational procedures to bring them in line with international human rights standards;
- set up independent, publicly accountable and accessible bodies to investigate complaints of human rights violations by the police and to ensure effective remedial action;
- encourage civil society partnerships with the police to strengthen police services to the community, within the rule of law.

Police training should:

- include training in human rights based on international and regional human rights standards for new and serving officers;
- integrate respect for human rights into all operational skills training;
- be guided by long-term monitoring and evaluation of the impact and efficacy of training, and by the development of a pool of skilled trainers.

Send your letters to the Minister of Home Affairs:

Hon Prince Sobandla
Minister of Home Affairs
P.O. Box 432, Mbabane, Swaziland

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

MISA-Swaziland, P.O. Box 681
Mbabane, Swaziland

Women and Law in Southern Africa Trust P.O. Box 508, Mbabane, Swaziland

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW, United Kingdom.

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AI Index: AFR 03/005/2002

TANZANIA LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

TANZANIA

Action for human rights in the Southern African Development Community

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Positive examples of "community policing" demonstrate that cooperation between local communities and police, using lawful methods, can be effective in helping to combat crime. In some countries, police response to crimes such as rape and domestic violence has improved. Local human rights and community-based organizations have played a vital role in these developments.

Yet such efforts will fail unless accompanied both by effective systems of accountability where police have committed human rights abuses and by training in human rights and professional skills. In the Southern African Development Community (SADC) region, Amnesty International members are taking joint action with other human rights organizations. They are campaigning now for police services to be more effective and accountable to the communities they serve and to protect the human rights of all, without distinction.

(PAGE 2)

Policing in Tanzania

Human rights violations

In Tanzania, the police have committed abuses such as arbitrary arrests, torture, excessive use of force and unlawful killings, often with impunity. Women have been subjected to rape and other forms of sexual abuse, and other vulnerable groups, such as refugees, have also been at risk.

Many violations occur in a political context, with the police targeting opposition supporters and journalists on a partisan basis. Such misuse of the police occurred at the time of the October 2000 presidential and parliamentary elections in Zanzibar, when scores of opposition political activists were arrested and ill-treated. Observers reported police intimidation during voting.

Police brutally suppressed protests against election irregularities. In January 2001 police unlawfully shot dead at least 22 demonstrators on Pemba island. Hundreds of other demonstrators were arbitrarily arrested and many tortured.

Tanzania has not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Lack of training and oversight

Not all violations by police occur for political reasons. Factors contributing to police brutality are the lack of human rights training available to officers and the failure of police governing bodies to take action to increase the protection of human rights by the police.

Victims of police abuses have rarely had their complaints adequately addressed or examined by independent bodies. Few officers have been disciplined or brought to justice. In such a climate of impunity, human rights violations will continue.

Positive developments

Police forces exist to provide safety and security, not to deliver danger. A commission of inquiry into the police killings and brutality in January 2001 could contribute to ending police impunity. Its findings must be made public, and those responsible for abuses should be brought to justice and their victims accorded means of redress.

The recently established Commission on Human Rights and Good Governance could potentially provide an avenue for redress for victims of human rights violations. It will have powers to investigate complaints about police abuses and make recommendations to the prosecuting authorities.

(PAGE 3)

Positive developments include the recent introduction of human rights training in some police training programs. Training and materials have been provided by local non-governmental organizations and international bodies. It is essential that such training becomes a permanent element of formal police training for officers of all ranks.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPPCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

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- investigate and bring to justice officials and officers responsible for human rights violations;
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- integrate respect for human rights into all operational skills training;
- be guided by long-term monitoring and evaluation of the impact and efficacy of training and by the development of a pool of skilled trainers.

(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Tanzania to strengthen police accountability and training on both the mainland and the islands, and also to:

- ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that its provisions are incorporated into national law;
- ensure that human rights training is incorporated into training for all officers, including new recruits;
- ensure that the new Commission on Human Rights and Good Governance while remaining independent, is accorded adequate powers and resources to fulfil its purpose without restrictions.

Send your letters to:

Mr Mohamed Seif Khatibu
Minister of Home Affairs
Ministry of Home Affairs
PO Box 9223
Dar es Salaam, Tanzania

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Amnesty International Tanzania
Luther House, 3rd Floor, PO Box 4331
Dar es Salaam
Tanzania
e-mail: aitanz@simbanet.net

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

[END BOX]

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ZAMBIA LEAFLET

Policing to protect human rights
in countries of the Southern African Development Community

ZAMBIA

Action for human rights in the Southern African Development Community

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(PAGE 2)

Policing in Zambia

Despite promises of reform by the authorities in Zambia, the human rights situation remains poor. Zambia acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998, but it has done little to implement the treaty's provisions.

Human rights violations

Widespread human rights violations by the police continue. The majority occur during the course of criminal investigations and the arrest, detention and interrogation of suspects.

Suspects are often arrested before any investigation has been undertaken. Police regularly detain suspects beyond the 24-hour legal limit before they must be taken to court for judicial review.

Detentions for one month or more have been reported. Relatives of suspects wanted by the authorities have been detained illegally as hostages. Torture and ill-treatment is common, and several deaths as a result of torture have been documented.

Police have used excessive force, and at times unjustified lethal force, when arresting suspects and policing demonstrations. Unarmed demonstrators have been injured and killed.

Government critics have been subjected to police harassment. The police routinely abuse their powers under the 1996 Public Order (Amendment) Act to deny the right of peaceful assembly and expression to opposition groups, although government-supported rallies do not seem bound by the Act's requirements.

Impunity

Mechanisms for addressing complaints of human rights violations by the police are weak. The Police Act of 1999 provided for a Police Public Complaints Authority but it has yet to be set up. Although the Permanent Human Rights Commission has investigated reports of human rights violations by the police, the authorities have rarely taken action on its findings and recommendations. Consequently, the whole mechanism is discredited and a sense of impunity prevails within the police service.

(PAGE 3)

Inadequate training

Training is inadequate in both human rights and professional policing skills, such as investigation and interview techniques. Police training programs are under-resourced. The Permanent Human Rights Commission has made efforts to reach all police officers with human rights education but it does not have the capacity to organize the long-term and comprehensive training needed to bring about fundamental changes in police behaviour.

How to strengthen policing across the region

Police chiefs in the Southern African Regional Police Chiefs Co-operation Organization (SARPPCO) have promoted international human rights standards and initiated some human rights training programs. SADC, with the assistance of the international community, should ensure that its member states adhere to international and regional human rights standards for policing, and that measures to improve the efficiency of the police are also measures which promote respect for human rights.

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- integrate respect for human rights into all operational skills training;
- be guided by long-term monitoring and evaluation of the impact and efficacy of training and by the development of a pool of skilled trainers.

(PAGE 4)

TAKE ACTION NOW

Send letters urging the government of Zambia to strengthen police accountability and training, and also to:

- put in place a comprehensive plan to ensure that all serving police officers receive training of adequate quality and duration on human rights and on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The impact and efficacy of training should be monitored and evaluated;
- ensure that all police officers receive clear instructions from their superiors on the minimum and proportionate use of force and on the prohibition of torture;

- establish the Police Public Complaints Authority without delay. Ensure that it is independent, adequately resourced, accessible to all complainants and that action is taken as a result of its investigations;
- ensure that torture is defined as a crime in law, as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Zambia is a state party.

Send your letters to the President:
His Excellency Mr Levy Mwanawasa, President
Office of the President, State House
PO Box 30208, Lusaka, Zambia

[BOX]

To obtain a copy of Amnesty International's report, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997-2002 (AI Index: AFR 03/004/2002), contact:

Amnesty International Zambia
PO Box 23563
Kitwe, Zambia

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org
[END BOX]

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Amnesty International is a worldwide movement of people who campaign for human rights. Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote respect for all human rights.
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