

amnesty international

ZIMBABWE

Appeal to the Commonwealth Heads of Government meeting, Coolum, Australia, 2-5 March 2002

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Amnesty International expresses its concern at the human rights situation in Zimbabwe and encourages the assembled Commonwealth leaders to engage constructively with the Zimbabwean authorities to ensure respect for human rights in that country after the presidential election scheduled for 9 - 10 March 2002.

Amnesty International sees the Commonwealth Heads of Government Meeting (CHOGM) opening on 2 March 2002 in Coolum, Australia as a key opportunity for the international community to begin the process of discussing with the Zimbabwean authorities the longer term implication of the government's undermining of the independence of the police, the army, the prison services, and the judicial system.

The deteriorating human rights situation in Zimbabwe jeopardizes the possibility of a free and fair election, increases the risk of even more widespread violations after the elections, and raises the spectre of sub-regional ramifications in Southern Africa, including flows of refugees out of the country. Through a "win at all costs" campaign, the Zimbabwean authorities have undermined the impartiality and professionalism of the criminal justice system, including the laws, the courts, the police and the prisons, to create political tools for repression. The police, for example, far from investigating the state-sponsored violence in an impartial and independent manner, have acted to block suspected perpetrators of human rights violations in the ruling party and its militias from being brought to justice.

We believe that it is particularly important that Commonwealth governments -- and in particular the governments in Southern Africa who are members of the Commonwealth -- work constructively after the election to help implement long-term solutions to ending the impunity enjoyed by the perpetrators of torture, political killings, "disappearances" and arbitrary arrest in Zimbabwe. Central to solving the human rights crisis will be full investigations into the mounting evidence of state-sponsored torture, killings and arbitrary detentions. The establishment of unbiased and independent state institutions of justice should be a priority for both the newly elected government of Zimbabwe and Commonwealth states.

We urge states gathered at the CHOGM to begin discussing post-election programs aimed at supporting thorough and impartial investigations into all the human rights violations that have taken place during the past two years. Amnesty International believes that the international community should push the new administration to demonstrate a commitment to bring to justice those suspected of human rights violations; compensate the victims of those violations fairly; rebuild an impartial and independent police, prisons service and judiciary; repeal legislation that has recently been put in place to repress freedom of expression, assembly and association; and entrench in the law the protection of basic human rights. We urge those states that attend upcoming meetings of the United Nations (UN) Commission on Human Rights, the Joint Assembly of the Asian, Caribbean and Pacific grouping and the European Union to consider similar initiatives on Zimbabwe.

The Zimbabwean authorities repeatedly state that "land is the core issue of the problems in Zimbabwe and that the solution of the land issue would rectify the situation". They have raised the issue of land reform in their discussions with African leaders at the Southern African Development Community's Summit and its special Zimbabwe Task Force, with European Union representatives and at the Commonwealth Ministerial Action Group meetings. In talking about the inequity in the land distribution, the government seeks to draw attention away from more than 100 political killings, thousands of cases of torture, and the displacement of tens of thousands of Zimbabwean citizens committed by state-sponsored militias or state agents during the past two years. Only a small fraction of the victims of human rights violations are white commercial farmers. As has become increasingly clear, the government uses the land issue, although important to many Zimbabwean people, as a smokescreen to hide the brutalization of its own citizens.

In its December 2001 visit to Zimbabwe, Amnesty International delegates interviewed-- under guarantees of anonymity-- senior Zimbabwe African National Union -

Patriotic Front (ZANU-PF) officials, senior police officials and senior army officers. They confirmed that the police, army and the party were deliberately promoting killings, torture and forcible displacement in a planned, state-coordinated program of widespread human rights violations. Dozens of interviews with victims confirmed what Zimbabwean non-governmental organizations have been documenting extensively for almost two years. The present government is trying to retain power in this month's presidential election at the cost of enormous human suffering.

A chilling development was the public statement at a press conference held on 9 January 2002 by General Vitalis Zvinvashe, the commander of the Zimbabwe Defence Forces. Zvinvashe sat alongside Zimbabwe's Police Commissioner Augustine Chihuri when he stated: "We will not accept, let alone support or salute, anyone with a different agenda that threatens the very existence of our sovereignty, our country and our people." This seems to send a strong signal of the army's unwillingness to accept a victory other than for the ruling party. With Chihuri and Zvinvashe were Lieutenant-General Constantine Chifeng, Zimbabwe Prison Service Commander Paradzai Zimondi, Central Intelligence Organization Director-General Brigadier Elisha Muzonzini and Commander of the Air Force of Zimbabwe, Air Marshal Perence Shiri.

The Zimbabwean authorities have also referred to the political killing of Cain Nkala in Bulawayo, and suggest that the judiciary is still operating independently and efficiently in Zimbabwe. In reply, Amnesty International is appending to this Appeal its detailed study, The Unfair Prosecution of MPs Fletcher Dulini Ncube, Moses Mzila Ndlovu and 16 others (AI Index: AFR 46/005/2002), which reviews how police have used torture, ill-treatment and the denial of fundamental rights to construct a case against officials of the opposition Movement for Democratic Change (MDC). This report was first sent privately on 5 February 2002 to Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa. No response has been received.

The arbitrary detentions of two Zimbabwean members of parliament and 16 other opposition officials illustrate the extent to which the court system has been manipulated to defer to the wishes of President Mugabe, who on at least three occasions has denounced the opposition as "terrorists" and named the defendants as guilty of the killing of an official of the Zimbabwe National Liberation War Veterans' Association. Amnesty International believes all 18 of those being prosecuted on politically motivated charges will be prisoners of conscience if convicted and imprisoned, and appeals to the Zimbabwean authorities to drop the charges against the defendants because they appear to be based solely on evidence extracted by torture.

This week's arrest of Morgan Tsvangirai, the presidential candidate for the MDC, appears to also be politically motivated in its timing. While Amnesty International has not had the opportunity to examine the video evidence used to justify his arrest, the judicial system in Zimbabwe remains compromised by political manipulation. There is no effective, impartial mechanism in Zimbabwe for evaluating properly the allegations that Morgan Tsvangirai was involved in an attempt to hire individuals to assassinate the President. Amnesty International therefore expresses concerns as to the fairness of his arrest and further prosecution.

As Amnesty International expressed in a letter to President Mugabe on 11 January 2002: "There have emerged two very different versions of current events in Zimbabwe. Greater transparency, including extending a standing invitation to the United Nations and its Special Rapporteurs who are charged with the responsibility for investigating various thematic issues relating to human rights observance, would be the most effective means of dispelling false assertions about the current situation. In this way, Zimbabwe can demonstrate its commitment to the international human rights standards that it accepts as a member of the United Nations and signatory to its treaties".

Together with the Commonwealth, the United Nations provides an ongoing focal point for the international community to raise concerns about the lack of justice in Zimbabwe. As the UN Special Rapporteur on the independence of judges and lawyers noted in his urgent appeal on 21 February 2001 to the Government of Zimbabwe, incidents of 'harassment, intimidation, attacks and threats against the independent judiciary and its judges' in Zimbabwe remain of concern to the international community. He also reported to last year's UN Commission on Human Rights that: "Statements in the media attributed to high-ranking government officials, including ministers, about the Supreme Court, and particularly its white judges, are seen as threats to the independence of the judiciary". The special rapporteurs on extrajudicial, summary and arbitrary executions and on freedom of expression issued a joint appeal in August 2001 on death threats against journalists.

The Commonwealth Ministerial Action Group, which remains blocked from access to visiting Zimbabwe, should persist in its efforts to enter and assess the human rights situation there, then frame suggestions to the Commonwealth on the next steps that can be taken in rebuilding respect and protection for human rights.

Regardless of which political candidate wins the election in less than 10 days' time, Amnesty International remains concerned that further human rights violations will be carried out by the state or its militia. We therefore urge the Commonwealth leaders gathered at the CHOGM to clearly communicate to President Robert Mugabe, and other

senior Zimbabwean government officials, that the human rights violations that are taking place on a daily basis must be ended immediately.

Further, Amnesty International appeals to the CHOGM to insist that the impunity with which such violations have been committed in Zimbabwe must be broken through swift, independent investigations carried out both within the country and by the UN thematic mechanisms, the CMAG and the African Commission.

Finally, if the newly elected government demonstrates the political will to remedy the cycle of violations and impunity, Amnesty International urges the CHOGM to provide the assistance in rebuilding long-term respect for human rights in Zimbabwe through human rights reforms of the laws, the courts, the police and the prisons.

For more information, please see:

Zimbabwe: Terror tactics in the run-up to parliamentary elections, Amnesty International, 8 June 2000 (AI Index: AFR 46/14/2000)

Zimbabwe: Appeal to the EU and Commonwealth, Amnesty International, October 2001 (AI Index: AFR 46/010/2001)

Zimbabwe: Memorandum to the SADC on the deteriorating human rights situation in Zimbabwe, Amnesty International, January 2002 (AI Index: AFR 46/004/2002)

Zimbabwe: The Unfair Prosecution of MPs Fletcher Dulini Ncube, Moses Mzila Ndlovu and 16 others, Amnesty International, January 2002 (AI Index: AFR 46/005/2002)