

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### ORAL STATEMENT BY AMNESTY INTERNATIONAL

#### ITEM 4: Human Rights Situation in Africa

The Chairperson,  
African Commission on Human and Peoples' Rights  
43<sup>rd</sup> Ordinary Session  
Ezulwini,  
Swaziland

Chairperson, Honourable Commissioners,

#### ***Zimbabwe***

Amnesty International is concerned about the deteriorating human rights situation in Zimbabwe following the 29 March general election. The organisation is concerned that the government continues to refuse to implement previous resolutions and recommendations by the African Commission while also engaging in fresh violations of the human rights guaranteed under the African Charter on Human and Peoples' Rights. Human rights violations documented by Amnesty International include torture of human rights defenders and opposition political activists in police custody; politically motivated attacks of perceived supporters of opposition parties after the elections; and unlawful restrictions of the rights to peaceful protest and assembly.

#### Post-election violence

According to information received by Amnesty International, incidents of post-election violence are widespread. Post-election violence has been reported in Harare, Mashonaland East, Midlands, Matabeleland North and Manicaland provinces. Victims of political violence have reportedly been pulled from buses and assaulted at their homes in rural areas, townships and farms. Amnesty International notes that post-election violence became more widespread during the weekend of 5 and 6 April. Victims reported of being attacked by people believed to be "war veterans" (Zimbabwe's former liberation war fighters affiliated to the ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF)), ZANU-PF youths and people dressed in army and police uniforms.

At around midnight on 6 April, about 10 soldiers and two people dressed in police uniform arrived at the home of a known Movement for Democratic Change (MDC) activist in Mkoba 14 in Gweru. They assaulted the activist and two of his friends by kicking them

and hitting them with baton sticks. The activist sustained injuries requiring medical treatment. Although the matter was reported to the police, no-one has been arrested. By 7 April 2008, over 70 people had reported to local human rights groups after being attacked in various parts of the country. The victims reported that their attackers had accused them of "not voting correctly." At least six people were hospitalised as a result of the beatings.

#### Restriction on right to freedom of expression and peaceful assembly and association

Although in January 2008 the government of Zimbabwe amended the Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) ostensibly to allow greater enjoyment of the rights to freedom of expression, peaceful assembly and association Amnesty International documented incidents of unnecessary restrictions of these rights against human rights defenders and opposition parties.

On 23 January 2008 Morgan Tsvangirai, a leader of one of the MDC factions, was arrested at approximately 4.00 am at his home by officers from the notorious Law and Order section of the Zimbabwe Republic Police. He was detained for about four hours and then released without charge. Two other MDC officials were also arrested and released. On 21 January police announced that the planned march had been banned, despite the fact that they had initially approved it. Although the MDC had appealed the ban and the court ruled that while MDC supporters cannot march through Harare, they can hold a rally in Glamis Arena, just outside the city. The Herald, the government's official mouthpiece, quoted police spokesperson Assistant Commissioner Wayne Bvudzijena confirming the arrest of fifteen people. These include the MDC's organising secretary, Elias Mudzuri, two of his bodyguards and twelve others. Mudzuri, his bodyguards and three bystanders were later released.

#### Violence and torture

Amnesty International is concerned that Zimbabwean police continue to use excessive force and torture to suppress freedom of association and assembly by human rights defenders and by members of the Movement for Democratic Change (MDC). The Law and Order section of the Zimbabwe Republic Police has been particularly brutal in its treatment of MDC members and civil society activists who are critical of government policies. Amnesty International has received information about torture and ill-treatment of activists while in police custody by officers from the Law and Order section.

On 19 February eight members of the Progressive Teachers Union of Zimbabwe (PTUZ) were abducted by suspected members of the ruling ZANU-PF party along Forth Street in Harare. Takavafira Zhou (PTUZ president), Raymond Majongwe (PTUZ secretary general), Harrison Mudzuri, Landistoun Zunde, Oswald Mudziva, Bernard Shoko, Linda Simande and Charles Mubwandarika were abducted while distributing fliers highlighting the state of education in Zimbabwe.

The eight abductees were taken to the ZANU-PF party's provincial office on Fourth Street where they were allegedly tortured by their abductors. They were then taken to Harare Central police station by police where they were again allegedly tortured by police. The eight activists were later admitted at Avenues Clinic and kept under police guard. It appears that none of the abductors was arrested.

On 22 November 2007, at least 22 NCA members were rounded up by unidentified people and bundled into two minibuses in Harare's central business district area. They

were reportedly taken to the ruling ZANU-PF's Harare province offices where they were beaten on the soles of their feet with sticks and iron bars. They were later ordered to mop the floor of the room and a toilet with bare hands. The suspected perpetrators allegedly called the police and the victims were taken to Harare Central police station, where police charged them with "obstruction" and they were made to pay fines. None of the perpetrators was arrested. Ten of the victims were later hospitalised.

On 25 July 2007, at least 200 activists from the non-governmental organisation the National Constitutional Assembly (NCA) were arrested by police in Harare after participating in a peaceful march. The activists were taken to Harare Central police station, where many were severely assaulted by police and unidentified people in plain clothes for about six hours. They were then released without charge. At least 32 of the activists were later hospitalised -- 14 had fractured limbs. Among the injured was a 19-month-old baby, who had been assaulted by police with a baton stick.

Amnesty International therefore calls on the African Commission to hold the government of Zimbabwe accountable under the African Charter by requiring it to:

1. Fulfil its voluntary obligations under the African Charter and ensure the human rights guaranteed under the Charter, including the rights to freedom of expression, to assembly and association, and freedom from torture, cruel, inhuman or degrading punishment and treatment.
2. Stop further harassment, intimidation and other human rights violations against human rights defenders and political opposition leaders and members.
3. End the legacy and culture of impunity for human rights violations.
4. Fully implement the African Commission's report and resolutions recommending respect for the human rights of Zimbabweans.

### ***Sudan***

Human rights violations and abuses as well as violations of international humanitarian law continue to be committed by all parties to the conflict in Darfur. The arms embargo imposed by UN Security Council resolutions in 2004 and 2005 has been flouted by the government of Sudan, and the armed opposition groups. The government of Chad has also breached the arms embargo, providing arms to the Justice and Equality movement and other armed groups in Darfur. Other governments, including Russia and China continue to export arms to Sudan. As a result Darfur is overflowing with arms.

There are now more than 30 armed groups, which fight not only against the government but also against each other. There is fighting between ethnic groups and, within ethnic groups, between clans. The proliferation of arms is a major cause of the human rights violations in Darfur. As one Arab lawyer told Amnesty International "You can get any gun you want any where you want. So every incident becomes a disaster".

During 2007 hundreds of civilians were killed due to armed conflict between Arab groups mostly incorporated in government paramilitary groups, wearing uniforms, driving vehicles and carrying arms, including heavy weapons, provided by the government of Sudan. In addition, in an attack which put lives of civilians protected by the peacekeeping mission at risk, 12 AMIS peacekeepers died after an attack against their base in Haskanita in September 2007, apparently by an armed group trying to seize weapons.

Meanwhile, recent events in West Darfur show that the government is still ready to recreate the scenes of devastation of the past five years. In retaking the Sirba and Jebel Moon areas from the

Justice and Equality Movement in January and February 2008, the Sudanese Armed Forces violated the prohibition on offensive military flights in and over the Darfur region, contained in Security Council Resolution 1591 of 2005, by bombing areas, often using Antonov planes painted white (UN colour). As before, in their attacks, the Sudan Armed Forces and well-armed Arab paramilitary groups and militias targeted civilians. Again, homes were burnt, towns were looted, more than 100 civilians were killed and, at least in Sirba UNAMID investigators received reports of rape.

The African Union's cooperation with the UN to protect the people of Darfur was widely welcomed, but the government of Sudan has tried to obstruct the deployment of UNAMID, thus endangering the protection of civilians in Darfur. The government has refused to accept the list of troop contributing countries, delayed granting land for bases, obstructed vital items going through customs and is still prohibiting night flights. Meanwhile the international community, including the members of the Security Council who voted for Resolution 1769, have failed to provide the UNAMID personnel in time and failed to ensure that they have the vital means of transport, including helicopters, which they require.

Amnesty International urges the African Commission to:

1. Publicly condemn continuing violations of international human rights and humanitarian law in Darfur, and call on the government of Sudan to protect civilians in the region.
2. Call on the international community, including the UN and the AU to fully resource the UNAMID so that it is able to effectively implement its mandate, including the protection of civilians in Darfur.
3. Call on the government of Sudan to fully cooperate with the International Criminal Court (ICC) in an effort to bring to justice suspected perpetrators of the war crimes and crimes against humanity committed against the people of Darfur before the Court. Such a call is vital to show that the African Commission rejects the impunity allowed to those indicted of 50 counts of war crimes and crimes against humanity.

Public Document

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