

PUBLIC

**AI Index: AFR 46/010/2008
1 May 2008**

**Further Information on UA 98/08 (AFR 46/008/2008, 15 April 2008) Fear for safety/ excessive use of force
New concern: Harassment/ fear of torture or ill-treatment**

ZIMBABWE Supporters of the Movement for Democratic Change

New name: Zimbabwe Election Support Network (ZESN) election observers and staff

The leaders of the Zimbabwe Elections Support Network (ZESN), a coalition of 38 organizations that deployed local observers during the elections, are being harassed by the authorities, in an apparent attempt to prevent them observing a possible run-off election in the coming weeks. Five days after their arrest, dozens of people who had sought refuge at the offices of the Movement for Democratic Change (MDC) remain in police custody, where they risk torture or other ill-treatment.

On 25 April, five police officers from the Zimbabwe Republic Police's Criminal Investigations Department (CID) raided the Harare-based offices of the ZESN. The police had a search warrant signed by a senior CID officer, authorizing them to search for "subversive material likely to cause the overthrow of a constitutionally-elected government". The warrant specified that items including "computers containing subversive materials" should be seized. In addition, some files and documents relating to the work of the ZESN were also taken.

The home of Ms Rindai Chipfunde-Vava, National Director of the ZESN, was also raided, and Ms Tsungai Kokerai, the ZESN's Programme Manager, and organization's chairperson, Mr Noel Kututwa, have been interrogated by police. Rindai Chipfunde-Vava and Noel Kututwa are being questioned on allegations of breaching Section 22 (2) (b) of the Criminal Law (Codification and Reform) Act which deals with offences of supporting or assisting "any group or body in doing or attempting to overthrow the government by unconstitutional means." The ZESN leaders have been interrogated at Harare Central Police Station and then released but are at risk of being charged and detained. From 28 to 30 April Noel Kututwa and Rindai Chipfunde-Vava have been reporting at Harare Central police station and police have indicated that they can be summoned any time.

Police have requested ZESN give a list of 11,000 local observers it had deployed during the 29 March election, names of board members, and sources of funding including bank accounts. ZESN complied with the police request. ZESN believes that this harassment is an attempt to incapacitate the organization so that it will be unable to observe a possible run-off of the presidential election, the result of which are still to be announced by the Zimbabwe Electoral Commission.

On the morning of 25 April, police raided the office of MDC, Zimbabwe's main opposition party, in the capital, Harare. The MDC claims that over 300 people were arrested, including people who had taken refuge at the MDC's office, having fled the violence perpetrated by supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and soldiers following elections which took place on 29 March. About 215 of those arrested were taken to Harare Central police station. Among them were 35 children, the oldest of whom was 11 years old. About 180 of those arrested have since been released after the MDC obtained an order from the High Court for their release on 28 April. Police have alleged that some of the detainees had committed acts of violence in rural areas and fled to Harare.

MDC sources claim that police at Braeside police station in Harare did not allow MDC representatives to give food to a group of 14 detainees on 26 April. Dozens of MDC workers and supporters have also been held in

police custody on allegations of committing acts of violence since 15 April when the MDC called for a general strike protesting the delay in releasing the presidential election results. They were denied bail.

Families of some of the victims have reported to Amnesty International that soldiers appear to be coordinating some of the violent attacks in rural areas. Police appear to be failing or are unwilling to protect victims from further attacks. Though AI has received reports of inter-party violence no reports have been received of ZANU-PF supporters being arrested.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the Commissioner-General of Police to immediately end the apparent harassment and intimidation of ZESN leaders who are carrying out their legitimate work as human rights defenders;
- urging the commissioner-general of police ensure that those arrested are not tortured or ill-treated in custody, and have access to adequate food, and to lawyers, relatives and medical care;
- calling for assurances that the detainees will be brought promptly before an independent judge, so that they can challenge the legality of their detention;
- expressing concern, to the Zimbabwe Defence Forces commander at the escalation of violence perpetrated by soldiers against supporters and those perceived to be supporters of the political opposition following elections held on 29 March 2008 and urge them to bring an immediate end to the violence;
- calling on the commissioner-general of police and the Zimbabwe Defence Forces commander to ensure that all allegations of political violence perpetrated by security officers, war veterans and political party supporters are independently and impartially investigated; that the results of such investigations are made public; and that suspected perpetrators are brought to justice;
- urging the commissioner-general of police and the Zimbabwe Defence Forces commander to ensure that police officers and soldiers act according to regional and international standards of conduct, and respect human rights law.

APPEALS TO:

Commissioner-General of Police Augustine Chihuri
Zimbabwe Republic Police, Police Headquarters, PO Box 8807, Causeway, Harare, Zimbabwe

Fax: +263 4 253 212

Salutation: Dear Commissioner-General

General Constantine Chiwenga
Zimbabwe Defence Forces Commander
Zimbabwe Defence Forces Headquarters, Private Bag 7721, Causeway, Harare, Zimbabwe

Fax: +263 4 252 039

Salutation: Dear Commander

and to diplomatic representatives of Zimbabwe accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. SEND YOUR APPEALS BY FAX AND POST. Check with the International Secretariat, or your section office, if sending appeals after 12 June 2008.