



Bashing Dissent

Escalating Violence and State Repression in Zimbabwe

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Summary

Of course he [opposition leader Morgan Tsvangirai] was bashed. He deserved it...I told the police beat him a lot. He and his MDC must stop their terrorist activities. We are saying to him, 'Stop it now or you will regret it.'

—President Robert Mugabe, addressing a ZANU PF (ruling party) rally on March 29, 2007.

On March 11, 2007, the Save Zimbabwe Campaign—a broad coalition of civil society organizations and members of the political opposition—attempted to hold a prayer meeting at Zimbabwe Grounds in Highfield, Harare. As hundreds of people streamed into the grounds, police used violence and brutality to prevent the meeting from taking place, and arrested more than 50 opposition members and civil society activists, including the leaders of the two factions of the opposition Movement for Democratic Change (MDC).

The arrest and severe beating of these opposition leaders and civil society activists by police and state security officers marked a new low in Zimbabwe's seven-year political crisis. It ignited a new government campaign of violence and repression against members of the opposition and civil society—and increasingly ordinary Zimbabweans—in the capital Harare and elsewhere throughout the country. The ominous statements by Zimbabwe's President Robert Mugabe on March 17 and 29, 2007 that the opposition members and civil society activists deserved to be “bashed” by the police highlighted the government's blatant disregard for the basic human rights of its citizens that authorities at all levels have shown during Zimbabwe's political crisis.

This report, based on two weeks of research in the cities of Harare, Bulawayo, Masvingo, Mutare and Bindura, describes in detail the Zimbabwe government's most recent violent crackdown on peaceful protest and dissent from February to April 2007, mainly in the city of Harare. It provides evidence of the government's widespread and systematic abuses against members and supporters of the opposition and civil

society activists, as well as its increasingly violent repression of ordinary Zimbabweans in the high-density suburbs of Harare. The report highlights how the Zimbabwe authorities have repeatedly breached and violated the human rights of its citizens with complete impunity.

Human Rights Watch conducted 37 interviews with lawyers, NGO representatives, and victims and witnesses to the violence in the city of Harare and its suburbs of Glenview and Highfield, as well as 14 interviews with civil society activists in Bindura, Mutare, Masvingo and Bulawayo. All described acts of intimidation, arbitrary arrests, abductions and beatings by Zimbabwe's police forces and other state and security agents. This report also documents how police have used disproportionate and lethal force against unarmed activists resulting in the death of one activist, Gift Tandare, and serious injuries to several others.

The Zimbabwean government claims that it is responding to an opposition campaign of violence and terror in the country and has arrested more than 30 MDC members and supporters throughout Zimbabwe whom it accuses of orchestrating and carrying out a series of petrol bomb attacks around the country. Human Rights Watch opposes the use of violence by all political parties, and those who commit such acts should be prosecuted in accordance with international fair trial standards. Although the petrol bomb attacks and violence may provide the official justification for the government's arrests of opposition officials, they do not justify the state's brutal and widespread campaign of beatings and repression of hundreds of ordinary Zimbabweans, opposition members and supporters, and civil society activists in Harare's suburbs.

In contrast to government claims that primary responsibility for the recent violence lies with the political opposition, Human Rights Watch found that Zimbabwe's police forces, agents of the Central Intelligence Organization (CIO), and groups of "youth militia" are the main perpetrators of serious human rights abuses. The government's failure to curb abuses by these groups is likely to encourage further unchecked violence.

Despite widespread international condemnation and calls for an end to the abuses—including the beatings, arbitrary arrests and abductions of opposition members and

supporters, civil society activists and the repression of ordinary Zimbabweans—continue unabated. The human rights violations that have occurred in Zimbabwe over the past three months—and the complete lack of accountability of those responsible for these violations—is of special concern given the longstanding and pervasive culture of impunity in Zimbabwe.

The Zimbabwean government has legal obligations under several international and African human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR). Among the rights Zimbabwe must uphold are the right to life and the rights to freedom of expression, association, and assembly. Human Rights Watch calls on the government to ensure that its security forces respect these obligations, and to appropriately discipline or prosecute, regardless of rank, those responsible for abuses.

Human Rights Watch also calls on the Zimbabwean security forces to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in policing demonstrations. The principles call upon law enforcement officials to apply nonviolent means before resorting to the use of force only in proportion to the seriousness of the offense, and to use lethal force only when strictly unavoidable to protect life.

On March 28, 2007, heads of state of the Southern African Development Community (SADC) convened a summit in Dar es Salaam, Tanzania to address the political crisis in Zimbabwe. The summit mandated South African President Thabo Mbeki to mediate talks between the opposition and the ruling party. In the face of the ongoing violence, Human Rights Watch urges the SADC member states to take a much stronger stance in response to the appalling human rights situation in Zimbabwe. The SADC should demonstrate a renewed commitment to protect human rights in the region through deploying an independent investigative mission to assess the human rights situation in Zimbabwe.

Recommendations

To the Government of Zimbabwe

- Immediately halt the use of excessive force and unnecessary lethal force against demonstrators and other persons by police and security forces.
- Stop the intimidation, harassment and beatings by police and security forces, particularly of residents of the high-density urban suburbs of Harare.
- Promptly and impartially investigate all incidents of abuse by police and security forces and discipline or prosecute as appropriate those responsible, regardless of rank.
- Immediately review the cases of the remaining detainees arrested on suspicion of involvement in the petrol bomb attacks. Investigate allegations of torture and abuse against these detainees. Release unconditionally all detainees against whom no specific evidence of illegal activities exists.
- Carry out an independent investigation into the excessive use of force by the police, military, and other security services on March 11, and in the immediate aftermath, including the killing of Gift Tandare and the shooting of several other activists. Bring security officials who used excessive force to account.
- Stop repressive actions and intimidation of members and supporters of the political opposition, civil society activists, journalists, and human rights lawyers by police and other state agents.
- Investigate the operations of the Central Intelligence Organization, “youth militia,” and ZANU PF party supporters and members. Those found responsible for perpetrating abuses should be brought to justice.

- Lift the ban on all political rallies and gatherings and allow opposition supporters to exercise their rights to free expression, association and assembly. Immediately repeal or substantially amend the Public Order and Security Act (POSA).

To the Southern African Development Community (SADC)

- Strongly and publicly condemn and demand an end to human rights violations by the government of Zimbabwe, including the use of excessive force and unnecessary lethal force against all persons, impunity for police abuse, arbitrary arrests of opposition supporters, use of torture and other mistreatment, arbitrary detention of opposition leaders and other Zimbabweans, and the general climate of repression faced by Zimbabwean citizens.
- Consistently and publicly condemn any further abuses committed by the Zimbabwean authorities, such as refusals to allow political opposition rallies, reprisals against the media, and any acts of political repression.
- Reach an agreement with the Zimbabwean government to deploy an independent international mission to Zimbabwe to investigate reports of recent human rights abuses in line with the SADC Organ on Politics, Defense and Security's stated objective to "promote and enhance the development of democratic institutions and practices within member states, and to encourage the observance of universal human rights as provided for in the Charters and Conventions of the African Charter and the United Nations."
- Seek an immediate and transparent review of the detention of all persons arrested in connection with the recent petrol bomb attacks, and call for the release of all persons detained without a valid legal basis.
- Seek to establish a trial-monitoring program in Zimbabwe for any prosecutions arising out of the petrol bomb attacks, and call for judicial review of credible allegations of torture and other mistreatment.

To President Thabo Mbeki of South Africa

- Place respect for human rights and the rule of law at the center of mediation efforts between the opposition and the ruling party. To this end, consult with Zimbabwean civil society institutions to obtain views on key human rights issues that need to be addressed.
- Publicly call for an immediate end to ongoing human rights violations in Zimbabwe, and urge that all those responsible for such violations be brought to justice.
- Call on the Zimbabwean authorities to rebuild the institutions that ensure respect for human rights, democracy, and the rule of law, including an independent judiciary and a professional police force.

Background

Arbitrary arrests, detentions, beatings, torture and ill treatment of opposition members and supporters and civil society activists by state authorities have all been key features of Zimbabwe's seven-year political crisis.¹ Unrest has rocked the country since 2000, when the government lost a referendum on changes to the constitution, and then embarked on a violent and controversial land reform program.²

The run-up to and aftermath of subsequent parliamentary and presidential elections in 2000 and 2002 were marred by widespread politically motivated violence perpetrated by the police, intelligence agents, members and supporters of the ruling Zimbabwe African National Union Patriotic Front (ZANU PF), and "youth militia,"³ against members of the opposition Movement for Democratic Change (MDC), civil society activists and anyone perceived to be a supporter of the MDC.⁴ Elections in 2005 were less violent than the previous elections but nevertheless marred by numerous abuses including arbitrary arrests of opposition supporters and civil society activists and violations of electoral laws.⁵ Few perpetrators of abuses have been brought to account.⁶

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

² Amnesty International, "Terror tactics in the run up to elections," June 2000, <http://web.amnesty.org/library/Index/ENGAFR460142000?OPEN&of=ENG-ZWE> (accessed April 4, 2007); Human Rights Watch, "Fast Track Land Reform in Zimbabwe," March 2002, Vol.14, No.1 (A), New York.

³ The "youth militia" also known in Zimbabwe as 'green bombers' because they often wear green military fatigues are part of a government-run National Youth Service Program. According to the government, the program is aimed at training youths to be good citizens and to take part in community services initiatives. However, the "youth militia" have been widely implicated in acts of intimidation and violence against opposition members and supporters, civil society activists and anyone perceived to be a supporter of the opposition.

⁴ Amnesty International, "Terror tactics in the run up to elections"; Amnesty International, "The Toll of Impunity," June 25, 2002, <http://web.amnesty.org/library/Index/ENGAFR460342002?OPEN&OF=ENG-ZWE>; (accessed, April 3, 2007).

⁵ Human Rights Watch, "Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005," March 2005, <http://hrw.org/backgrounder/africa/zimbabwe0305.pdf>.

⁶ For more information on the growing levels of impunity see Amnesty International, "The Toll of Impunity," and Human Rights Watch, "You Will Be Thoroughly Beaten: The Brutal Suppression of Dissent in Zimbabwe," November 1, 2006, <http://hrw.org/reports/2006/zimbabwe1106/zimbabwe1106web.pdf>

In May 2005, the government of Zimbabwe forcibly evicted hundreds of thousands of people from the high-density urban areas⁷ of the country's cities in a campaign known as "Operation Murambatsvina."⁸ The operation entailed large-scale human rights violations with authorities arbitrarily forcing hundreds of thousands of people to destroy or cede their property without due notice, process or compensation, and precipitated a massive humanitarian crisis. Some critics accused the government of carrying out the campaign to prevent mass uprisings in the high-density areas against the deteriorating political and economic conditions.

In November 2005, the MDC—which was formed in 1999 with Morgan Tsvangirai as its leader—split into two factions after disagreements over whether the MDC should run for senate elections. The Bulawayo-based faction of the MDC is led by Arthur Mutambara, while the Harare-based faction is led by Morgan Tsvangirai.⁹ However, in recent months the two factions of the MDC have reportedly worked closely together and pledged to form a united front in challenging the government's policies.

In the past year, Zimbabwean security forces in violation of international human rights law¹⁰ have rounded up hundreds of opposition members and supporters and civil society activists peacefully protesting the political and economic crisis in the country. The police routinely use unnecessary force to disrupt peaceful protests and subject activists to severe beatings and other mistreatment in police custody.¹¹

⁷ High-density areas are areas that have a high concentration of housing compared to the amount of residential land available and are densely populated.

⁸ Human Rights Watch, "Evicted and Forsaken: Internally Displaced Persons in the Aftermath of Operation Murambatsvina," December 2005, Vol.17, No.16 (A), New York

⁹ "MDC expels 26," *The Insider*, November 12, 2005, <http://www.insiderzim.com/novo5breakingnews.html> (accessed April 24, 2007).

¹⁰ 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 21; African Charter on Human and Peoples' Rights (ACHPR), adopted June 27, 1981, OAU doc. CAB/LEG/67/3rev.5.21.I.LM.58 (1982), entered into force October 21, 1986, ratified by Zimbabwe in 1986, article 11.

¹¹ Human Rights Watch, "You Will Be Thoroughly Beaten': The Brutal Suppression of Dissent in Zimbabwe."

Mounting Political Tensions and Arrests in February and March

In the past few months, the state has intensified its efforts to violently suppress dissenting views or opinions, and ordinary citizens have been caught up in the violence, with scores subjected to brutal beatings and arrest by the police and other state agents because they are perceived or actual supporters of the opposition. The volatile high-density neighborhoods of Harare's southern suburbs—traditionally viewed as opposition MDC strongholds—have seen the largest number of government abuses.

The government's most recent clampdown on all forms of political activism or protest has led to numerous incidents of violence. Hundreds of opposition members and supporters and civil society activists have been arrested, abducted, and tortured while scores have gone into hiding. The clampdown has also left behind a trail of injured ordinary Zimbabweans. The Zimbabwe Association of Doctors for Human Rights (ZADHR) reports that in the past two months, it has witnessed an increase in the number of persons seeking treatment for injuries reportedly sustained from assault and torture inflicted during the course of arrest, during raids on the victim's homes, and while in police custody. Since the aborted prayer meeting on March 11, (described later in this report) the organization documented 49 hospitalizations and more than 175 lesser medical treatments resulting from politically motivated assaults by security forces.¹² The doctors also recorded six gunshot wounds—one of them fatal—in the past two months. In the course of the recent political unrest, several police officers have also been injured.¹³

The latest round of arbitrary arrests and detentions of opposition members and supporters, and civil society activists spiked in February and March 2007, with the Zimbabwean authorities arresting several hundred civil society activists and opposition officials and supporters around the country. Those arrested were often released without charge or made to pay fines under the Miscellaneous Offences Act

¹² ZADHR press statement, April 15, 2007.

¹³ Ibid.

(MOA). Others have been charged with breaching various sections of the Criminal Law (Codification and Reform) Act.¹⁴

The months of February and March saw an increase in the number of protests and demonstrations by civil society activists against deteriorating political and economic conditions in the country. At the same time, the two factions of the MDC decided to launch their election campaigns by holding several rallies around the country. As in previous government crackdowns, it seems the opposition members and supporters, and civil society activists were arrested because of their dissenting views or for trying to exercise their right to peaceful protest.

In the month of February alone, Human Rights Watch received credible information concerning the arrest of at least 400 civil society activists and opposition supporters around the country.¹⁵ They include 11 student leaders arrested at Harare Polytechnic as they attempted to hold a consultative meeting; about 200 activists from the women's rights organization Women of Zimbabwe Arise (WOZA) arrested during peaceful protests in Bulawayo and Harare; 75 activists from the National Constitutional Assembly (NCA)—a nongovernmental organization that has actively campaigned for constitutional reform—arrested in Harare and Mutare; 46 opposition supporters arrested in Gweru; and 64 opposition supporters arrested in Harare.¹⁶

Human Rights Watch documented 11 cases of arbitrary arrest of opposition supporters and civil society activists, and received credible information of hundreds more arrests in the cities of Harare, Mutare, Bulawayo, and Masvingo in the days following the aborted March 11 prayer meeting.¹⁷

¹⁴ Human Rights Watch interviews with political opposition and civil society activists, Harare, Bindura Bulawayo, Masvingo and Mutare, March 14 – 28, 2007.

¹⁵ Zimbabwe Lawyers for Human Rights (ZLHR), "Continued Harassment of Human Rights Defenders," ZLHR update, February 17, 2007; ZLHR, "ZLHR concerned at continuing indiscriminate arrests of MDC members," press statement, February 22, 2007; ZLHR, "Arrests of NCA and UZ SRC members," ZLHR press statement, March 1, 2007.

¹⁶ Ibid.

¹⁷ Human Rights Watch interviews with political activists and representatives from Zimbabwe Lawyers for Human Rights, Zimbabwe Human Rights NGO Forum, Combined Harare Residents Association, and Bulawayo Agenda, Harare, Mutare, Masvingo and Bulawayo, March 14 – 28, 2007.

On February 17 and 18 the two factions of the MDC attempted to hold political rallies launching their election campaigns for 2008. Despite a high court ruling permitting the rally in Harare, armed riot police violently disrupted the meeting by firing tear gas at the gathered opposition members and supporters, and then arrested 64 opposition members and supporters. Ten opposition members and supporters were also arrested in Bulawayo.¹⁸

On February 21, police imposed a three-month ban on political rallies and demonstrations in Harare under the Public Order and Security Act (POSA).¹⁹ In fact, the ban seemed to be in effect across the country—not just in Harare—with hundreds throughout Zimbabwe arrested for holding rallies or demonstrations. Police authorities argued that the rallies would lead to a breakdown in law and order and to political violence in Harare.²⁰

The opposition challenged the police ban in the high court,²¹ and together with civil society activists vowed to hold demonstrations in defiance of the ban, leading to a spate of arrests and detentions, and minor skirmishes between the opposition and security forces in the high-density suburbs. One MDC supporter described the tense atmosphere in some of the suburbs after the ban took effect: “The police are imposing a curfew in Budiriro from 8pm up to the next day. It started when they issued a ban on rallies and gathering. They started beating anyone seen after dark. Now they are coming at our locations beating us, throwing tear gas and firing live ammunition.”²²

On March 24, police partially lifted the ban in some parts of the city, but kept the ban in place in Harare South until April 21, Harare Suburban District until April 24, and

¹⁸ “ZLHR concerned at continuing indiscriminate arrests of MDC members.” See also court ruling in the case of *Movement for Democratic Change vs. Officer Commanding Harare Province Superintendent T Jangara, Commissioner of Police and Minister of Home Affairs* (HCH 777/07).

¹⁹ Andrew Meldrum, “Police ban all rallies,” *Guardian Unlimited*, February 21, 2007; <http://www.guardian.co.uk/zimbabwe/article/0,,2018118,00.html>; “Zimbabwe police ban protests, rallies,” *SABC News*, February 21, 2007, http://www.sabcnews.com/africa/southern_africa/0,2172,144158,00.html (accessed, February 21, 2007).

²⁰ “Ban on political rallies to remain in force – Chinamasa,” *The Herald newspaper*, March 1, 2007.

²¹ In court, lawyers for the opposition argued that the ban violated their rights and also exceeded the one-month limit on bans imposed by the Public Order and Security Act (POSA).

²² Human Rights Watch interview with MDC supporter [name withheld], Harare, March 15, 2007.

Chitungwiza, and Harare Central districts until April 25. Harare South includes some of the suburbs which have been most affected by the recent violence including Glenview, Highfield, Warren Park, and Kuwadzana.²³

Human Rights Watch has previously expressed concern about the use of POSA, which enables the government of Zimbabwe to undermine the right to freedom of assembly by prohibiting or restricting legitimate protests.²⁴ The ban on rallies breaches the right to freedom of assembly protected by international and regional human rights law, and the rights to freedom of expression and association.²⁵

The March 11 Crackdown

The political unrest reached a high point on March 11, when police violently prevented a prayer meeting organized by the Save Zimbabwe Campaign—a broad coalition of church and civil society organizations—and the opposition MDC from taking place in Highfield, Harare.²⁶ The subsequent arrest and violent assault of several senior MDC leaders led to further unrest and violence in the high-density suburbs of Harare South, and provided the pretext for the government crackdown on the opposition, civil society activists, and perceived and actual supporters of the opposition that followed.

On the day of the meeting, hundreds of opposition supporters made their way to the Zimbabwe grounds in Highfield, Harare. MDC supporters and civil society activists informed Human Rights Watch that when they arrived at the grounds where the meeting was due to take place, they found that large groups of heavily armed riot police had surrounded the perimeter of the grounds and were manning all entrances into the ground.²⁷

²³ “Zimbabwe partially lifts ban on protests, rallies,” Reuters news alert, March 24 2007.

²⁴ See Human Rights Watch, “You Will Be Thoroughly Beaten: The Brutal Suppression of Dissent in Zimbabwe.”

²⁵ ICCPR, articles 19, 21 and 22; ACHPR articles 9, 10 and 11.

²⁶ Human Rights Watch interviews, Harare, March 12- 28, 2007.

²⁷ Human Rights Watch interviews, Harare, March 12 and 15, 2007.

Almost immediately after the activists arrived, and before the meeting could take place, security forces launched a brutal and unprovoked attack, and started beating the activists with batons and rifle butts, injuring dozens. One MDC supporter told Human Rights Watch, “Before getting to the ground we found riot police, military police and militia. Before we could do anything we were attacked by the military police. They came at us with batons, rifle butts, everything.”²⁸ Police and other security forces beat scores of MDC supporters and civil society activists. Many opposition supporters and activists sustained serious injuries, according to doctors from the Zimbabwe Association of Doctors for Human Rights (ZADHR).²⁹

In reaction to the security forces’ attacks, opposition supporters engaged in clashes with the police. As one MDC supporter told Human Rights Watch, “We were upset because the police were beating us; we started throwing stones at them.”³⁰ In an attempt to break up the skirmishes, police used tear gas and eventually fired live ammunition at the demonstrators, killing one MDC member, Gift Tandare.³¹ Bystanders were also caught up in the violence, with police randomly beating people in the streets of the high-density suburb of Highfield, Harare.³² According to police reports at least three police officers were injured during the clashes.³³

Police arrested more than 50 members of the opposition and civil society activists on their way to the meeting.³⁴ Others—including Morgan Tsvangirai, leader of one of the MDC factions—were arrested when they went to Machipisa police station to enquire about arrested colleagues. Also arrested were Arthur Mutambara, leader of the other MDC faction; Lovemore Madhuku, chair of the National Constitutional Assembly (NCA); Mike Davies, chair of the Combined Harare Residents’ Association (CHRA); Nelson Chamisa, spokesperson of the Tsvangirai-led MDC; and other senior MDC

²⁸ Human Rights Watch interview with MDC supporter [name withheld], Harare, March 22, 2007.

²⁹ ZADHR press statement, “Nature of Injuries of Tortured Civil Society Activists and Opposition Party Leaders,” March 14, 2007.

³⁰ Human Rights Watch interview with MDC supporter [name withheld], March 15, 2007.

³¹ Human Rights Watch interviews, Harare, March 12 and 15, 2007.

³² *Ibid.*

³³ “Man shot dead as MDC thugs attack,” *The Herald newspaper*, March 12, 2007, <http://allafrica.com/stories/200703120001.html> (accessed April 3, 2007).

³⁴ Human Rights Watch interviews with victims, witnesses and lawyers [names withheld], Harare, March 12-28, 2007.

leaders including Grace Kwinjeh, Sekai Holland, and Tendai Biti.³⁵ The arrested MDC members and civil society activists were held at various police stations around Harare, and many of them were brutally beaten by police and security agents in custody.³⁶

Some of the worst beatings took place at Machipisa police station where several MDC members and civil society activists including Tsvangirai, Madhuku, Chamisa, Holland and Kwinjeh were held. Police forced the activists to lie facing down and beat them on the backs and buttocks with batons. Senior members of the MDC such as Tsvangirai and civil society activists such as Madhuku were singled out for particularly vicious beatings by the police who kicked the activists and beat them all over their bodies including around the head with batons and metal rods.³⁷ One activist who was also held at Machipisa police station told Human Rights Watch, “We were forced to lie down on our stomachs and we were beaten for two to three hours. Then Morgan Tsvangirai came and he was beaten as well. Then some of us were taken to Highlands police station. I was very sick from the beatings and was eventually admitted at the Avenues clinic. I was discharged on March 15.”³⁸

Lawyers representing the MDC members and civil society activists told Human Rights Watch that armed police manning the entrances of the police stations prevented them from seeing most of the detained activists for more than 24 hours after their detention.³⁹ It was also more than 24 hours after their arrest before the activists received medical attention for their injuries, despite a high court order demanding immediate medical access. Most of the activists were taken to Parirenyatwa hospital and the Avenues clinic in Harare where they were treated for their injuries.⁴⁰

³⁵ Human Rights Watch telephone interviews with lawyers, London, March 12, 2007.

³⁶ *Ibid.*

³⁷ Details from a press conference by the Save Zimbabwe Campaign, Harare, March 16, 2007.

³⁸ Human Rights Watch interview with MDC supporter [name withheld], Harare, March 22, 2007.

³⁹ Human Rights Watch telephone interview with Irene Petras, acting director, Zimbabwe Lawyers for Human Rights, March 12 2007. See also ZLHR information alert, “ZLHR lawyers denied access to opposition leaders and civil society activists,” March 12, 2007.

⁴⁰ *Ibid.*

According to a statement from doctors from ZADHR, 64 out of the scores of activists who were beaten when the prayer meeting was disrupted required medical treatment for injuries received during the skirmishes and while in custody.⁴¹ A statement by the organization reported that the activists beaten at Machipisa police station sustained severe blunt trauma injuries including multiple fractures, soft tissue bruising, and serious head injuries.⁴² A number of the MDC officials including Sekai Holland and Grace Kwinjeh were taken to South Africa for further treatment. The two female MDC officials were initially prevented from flying to South Africa for further medical treatment, because according to police they still faced charges of inciting violence.⁴³

The Zimbabwean authorities attempted to justify the disruption of the prayer meeting and the subsequent arrests and beatings that took place, claiming that the meeting was an attempt by the MDC and civil society activists to circumvent the police ban on political rallies. Minister of Home Affairs, Khembo Mohadi was quoted in the state newspaper *The Herald* as saying that the prayer gathering was in fact a political rally pretending to be a church event. Police chief spokesperson Assistant Commissioner Wayne Bvudzijena was also quoted as saying that police investigations had so far revealed that the Save Zimbabwe Campaign event was a political gathering and not a prayer meeting.⁴⁴ However, lawyers told Human Rights Watch that the prayer meeting did not require police clearance as it was not a political gathering.⁴⁵ To date, no charges have been brought against the 50 activists who were arrested on March 11.

Zimbabwe's security forces failed to abide by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials both before and in the immediate aftermath of the prayer meeting.⁴⁶ The Basic Principles provide that "law

⁴¹ ZADHR press statement, "Nature of Injuries of Tortured Civil Society Activists and Opposition Party Leaders," March 14, 2007.

⁴² *Ibid.*

⁴³ "Police defend Zimbabwe travel ban," *BBC online news*, <http://news.bbc.co.uk/1/hi/world/africa/6465649.stm>, (accessed March 22, 2007).

⁴⁴ "Zimbabwe: Church Leaders, Dell Organise Anti-Govt March," *The Herald*, March 13, 2007.

⁴⁵ Human Rights Watch interviews, Harare, March 14-28, 2007.

⁴⁶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. 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).

enforcement officials, in carrying out their duty, shall as far as possible apply nonviolent means before resorting to the use of force....Whenever the lawful use of force...is unavoidable, law enforcement officials shall...exercise restraint in such use and act in proportion to the seriousness of the offense.”⁴⁷ The legitimate objective should be achieved with minimal damage and injury, and preservation of human life respected.⁴⁸ The beating of the activists in police custody also breached several international and regional human rights laws.⁴⁹

⁴⁷ Ibid, Principles 4 and 5.

⁴⁸ Ibid., Principle 5.

⁴⁹ Article 4 of the ICCPR states that, “human beings are inviolable. Every human being shall be entitled to respect for life and the integrity of his person. No one may be arbitrarily deprived of this right”; Article 5 of the ICCPR states that, “Every individual shall that the right to the respect of the dignity inherent in a human being and to the recognition of his status. All forms of exploitation and degradation of man particularly...torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.” See also ACHPR, articles 4 and 5.

Escalating Violence and Repression after March 11

Human Rights Watch is seriously concerned by the level of threats and violence against perceived or actual supporters of the opposition, opposition officials, civil society activists, and ordinary Zimbabweans since March 11, 2007. Hundreds of opposition members and supporters, and civil society activists have been arrested, abducted or tortured, and scores have gone into hiding. As the following section will show, these incidents seem to be occurring with the complicity of the government, through acts of police brutality; the lack of police protection for those at risk of abuses, such as independent journalists and lawyers; the government's failure to conduct impartial investigations into abuses; the direct involvement of state agents in abductions and beatings; and the verbal incitement of the perpetrators by members of the government, including some at the highest level.⁵⁰

The levels of violence around the country have also increased significantly since the aborted prayer meeting on March 11. According to police reports, between March 12 and April 21, there have been at least 11 alleged petrol bomb attacks on police camps, a passenger train and two stores around the country.

The first of the attacks reportedly took place on March 12 when a police camp was bombed in Chitungwiza. No one was injured during the attack.⁵¹ On March 14, three police women were severely burned when a petrol bomb was thrown at Marimba police camp in Harare.⁵² The most recent attack reportedly took place on April 21, when three petrol bombs and a tear gas canister were thrown at a house in a police camp in the suburb of Glen Norah, Harare.⁵³ The motives behind these attacks and the persons responsible remain unclear, but police have blamed the attacks on the

⁵⁰ President Mugabe has repeatedly made statements supporting the police use of force in disrupting peaceful protests and the beatings of activists in police custody.

⁵¹ "Glen Norah 'A' house attacked," *The Sunday Mail* newspaper, April 22, 2007, <http://www.sundaymail.co.zw/inside.aspx?sectid=1646&cat=1>, (accessed April 24, 2007).

⁵² "MDC bombs women cops," *The Herald*, March 15, 2007.

⁵³ "Glen Norah 'A' house attacked," *The Sunday Mail* newspaper, April 22, 2007.

MDC.⁵⁴ The MDC denies the allegations and accuses state agents of staging the attacks to justify a crackdown on the opposition.⁵⁵

Human Rights Watch opposes the use of violence by all political parties and upholds the responsibility of the government to prosecute those responsible. But, while the petrol bomb attacks may have provided the official justification for the arrests of MDC officials and supporters after March 11, they do not justify the police's subsequent violent and widespread campaign of beatings and repression of civil society activists, opposition members and supporters, and ordinary Zimbabweans in the suburbs of Harare.

Crackdown in Harare's high-density communities

The violent arrest and assault of the opposition leadership on March 11 led to further scuffles between police and opposition supporters in several high-density suburbs in Harare, including Highfield and Glenview on March 11.

Following the events of March 11, heavily armed police continued to aggressively patrol the high-density suburbs in Harare South, beating anyone they suspected of supporting the opposition. Some of the victims later identified by Human Rights Watch were entirely unconnected to the opposition.

Witnesses to and victims of this campaign told Human Rights Watch that in apparent retaliation against the reported attacks on their colleagues, police went on a two-week-long violent rampage in areas such as Glenview, Highfield and Mufakose, randomly beating passers-by in the streets, shopping malls, and people in bars and beer halls.⁵⁶

For example, one man told Human Rights Watch about the abuse he suffered at the hands of between ten and twelve policemen at a bar in Glenview on March 14:

⁵⁴ "Warren Park supermarket petrol-bombed," *The Herald newspaper*, March 26, 2007.

⁵⁵ McDonald Dzirutwe, "Zimbabwe's Tsvangirai wants talks, says 600 tortured," Reuters news, April 12, 2007; "Zimbabwe: South Africa Linked to MDC 'Terror' Bombings," *Financial Gazette*, April 19, 2007, <http://allafrica.com/stories/200704200779.html>, (accessed, April 21, 2007).

⁵⁶ Human Rights Watch interviews, Harare, March 15, 22 and 27, 2007.

At first I was accosted by one policeman who told me to come outside. But when I got outside there were two more policemen armed with batons and they began to beat me. They beat me thoroughly and then they told me to go but I fell down and they started beating me again. They were joined by other policemen and there was now a chain of policemen beating me with batons and kicking me in the ribs everywhere.

They were telling me “you are beating policemen, don’t beat policemen, you are beating policemen, don’t do that.” I told them that I didn’t know anything about beating policemen but they continued hitting me. They were so many of them beating me. I fell unconscious and when I woke up I was taken to Harare central hospital where they took an x-ray. I had a broken arm and bruised ribs. I later heard that police were beating other people in the area. Now I am in fear of the police. If you are seen walking around after dark, they beat you. I am not feeling well. I am in pain. What the police have been doing is very bad, very cruel. It’s very, very cruel.⁵⁷

In another case, on March 14, police severely assaulted ten employees of a local store in Mufakose as they closed the store for the night. The local shop manager told Human Rights Watch:

More than eight vehicles of police came and they said “everybody sit down.” We were dressed in our store uniform. I tried to negotiate with them to say we were just employees but the first one beat me with a baton and I sat down. They beat us up so badly that after the beatings we first run away without locking the doors of the shop. I came back later to lock the door. We heard later that they had been a petrol bomb thrown at Marimba police station. We thought that they would respect the fact that we were wearing uniforms and therefore just employees

⁵⁷ Human Rights Watch interview, Harare, March 15.

at a store. They hit me on my leg and my shoulder was also hurt. They were beating us with batons, rifle butts and they were kicking us. They were saying “you don’t have to beat the police.” The revenge was on us which was too painful. They were saying “you are MDC people.” At the time the store was cleared and it was just the ten of us workers who were beaten. The police who attacked us were more than 50. They hit us just outside the store as we were locking up for the night and leaving. We are now so scared.⁵⁸

The severe bruises from the beatings were clearly visible to a Human Rights Watch researcher who interviewed the ten employees the following day as they received treatment for their injuries at a medical facility in Harare.

According to other first-hand accounts from victims and witnesses to the campaign, police also went house to house beating people with batons and accusing them of belonging to the opposition. In several cases victims accused the police of stealing their possessions, including cell phones and money.

For example, in the early hours of March 12, four police officers forced their way into the home of a 52-year-old woman and her family, and beat them with batons and rifle butts. The woman was beaten unconscious and sustained serious head injuries and a fractured wrist. She recounted how the police officer told her that she deserved to be beaten because, “you are the people who support the opposition.” The woman told Human Rights Watch that none of her family had ever been involved in politics.⁵⁹

Human Rights Watch documented many similar abuses in other high-density suburbs in Harare in March. It appears that anyone remotely connected to the opposition or other forms of activism—and even those who were not part of the opposition—ran the risk of arrest, abduction and a brutal beating.

⁵⁸ Human Rights Watch interview with local store manager [name withheld], Harare, March 15

⁵⁹ Human Rights Watch interview, Glenview, Harare, March 27, 2007.

For example, one opposition member told Human Rights Watch how she was arrested with several relatives, and then savagely beaten by police on March 17 in Warren Park. “I tried to tell them not to beat my mother because she is old and not an activist,” she said, “but they wouldn’t stop. They said she was my mother and therefore deserved to be beaten. We were detained for three days and then released without charge.”⁶⁰

The high levels of repression in the high-density suburbs continue. Police have imposed an informal curfew on a number of suburbs including Glenview, and Highfield, arresting and beating any persons found walking in the street after nightfall. According to one woman from Highfield interviewed by Human Rights Watch:

Right now things are bad. They just come to the beer halls or shopping malls and start beating people, telling them to leave. By 9 to 10 p.m. the beer halls are closed. The shops are also targeted and have to close by 7 p.m. People are scared. We are living in fear. Just the other day, a group of us were at the shops in the evening and one policeman came and dragged one of my friends and started beating him. We couldn’t say anything. We were scared they would turn on us as well. They didn’t give him any reason. They just beat him. He was badly beaten and has now been hospitalized. Right now when you see a police patrol or group of policemen you fear the worst. You know they will just start beating people.

A 20-year-old woman from Highfield told Human Rights Watch:

It was two days after the prayer meeting. We were going to the shopping centre in the evening and then policemen started to beat people up. People run. They started beating six guys with batons and one of my friends his arm was broken. One had a fractured skull and the other is complaining of chest pains. The one with a fractured arm

⁶⁰ Human Rights Watch interview with MDC activist [name withheld], Harare, March 22, 2007.

was hospitalized and had his arm in a plaster but it didn't work so now they have to use metal plates because it was badly fractured. We are ordinary people not aligned to anything and we were beaten.⁶¹

One man in Highfield told Human Rights Watch, "Right now, no one walks about after 7 p.m., unless you want a beating. My nephew was beaten the other day as he was walking home late after visiting friends. The police accused him of being one of the MDC activists who plan acts of violence, but my nephew doesn't support any party."⁶²

Another man told Human Rights Watch:

In broad daylight everything looks normal but it's not. After dark, things are bad. At night in this area we have a lot of police. Sometimes they are in cars; sometimes they just patrol on foot. If they find you in the streets they beat you. In some areas down in Lusaka they were going door-to-door beating people. They want people to feel like they are in a cage.⁶³

Abductions and abuse by alleged CIO agents, Youth Militia and ZANU PF supporters

First-hand accounts from victims and witnesses have implicated members of Zimbabwe's Central Intelligence Organization (CIO), "youth militia" and supporters of the ruling party ZANU PF in acts of harassment, intimidation, abduction and assault of opposition members and supporters, and civil society activists.⁶⁴

On March 18, eight unidentified men attacked MDC spokesperson and Member of Parliament Nelson Chamisa with iron bars in the departure lounge of Harare International Airport, as he attempted to fly out and attend a European Union-African,

⁶¹ Human Rights Watch interview, Harare, March 22, 2007.

⁶² Human Rights Watch interview, Highfield, Harare, March 27, 2007.

⁶³ Human Rights Watch interview, Harare, March 22, 2007.

⁶⁴ Human Rights Watch interviews, Harare, March 14-28, 2007.

Caribbean, and Pacific parliamentary meeting in Brussels, Belgium.⁶⁵ Chamisa sustained serious head injuries. In an interview from his hospital bed, Chamisa reportedly stated that he believed that the men behind the attacks were CIO agents because the attack occurred in full view of the police at the airport who failed to react.⁶⁶ Chamisa was among those arrested and brutally beaten on March 11. No one has been arrested for the attack although police are reportedly investigating the incident.

In another case, a 15-year-old girl and her mother—a Women of Zimbabwe Arise (WOZA) activist—were abducted by a group of persons, whom they suspected to be state agents and “youth militia” on March 19 at Warren Park D in Harare. She described her ordeal to Human Rights Watch:

We were put into a car and blindfolded and we didn't know where we were going. Then they put us into another vehicle. I think it was an open truck. They took us to Mount Hampden and we were taken out of the car and badly beaten with clenched fists and kicked while we were there. We saw that the people had three cars. They were saying “your father is an MDC supporter and you are the ladies of Women of Zimbabwe Arise and that is why we are beating you up.” We were hit on our heads, our backs, our legs, everywhere. We were just beaten up very badly. We haven't reported the case to the police because it is no use. They will just arrest us again because those people who beat us are part of that. It's no use.⁶⁷

One civil society activist told Human Rights Watch that he had received repeated visits from people he suspected of being CIO agents:

⁶⁵ See interview with Nelson Chamisa published in *The Zimbabwean*, March 23, 2007; Jen Redshaw, “Mugabe critic is beaten up at airport to silence plea for world help,” *Times Online*, March 19, 2007, <http://www.timesonline.co.uk/tol/new/world/africa/article1533975.ece> (accessed April 4, 2007).

⁶⁶ *Ibid.*

⁶⁷ Human Rights Watch interview, Harare, March 22, 2007.

On the day of the prayer meeting, I was walking at 7 p.m. I was stopped by three people in a pickup truck and they started to ask “Where is your ID?” and I said I don’t have it and they said get into the car but I refused. They told me that “we know about your movements and we know about you and your activities.” The other day some people came to my gate in the middle of the night but we didn’t come out. This Friday [March 23] they came at 11 p.m. but they didn’t find me. The last time I jumped into my neighbor’s garden. Sometimes they are two people or three people. They don’t identify themselves but I believe they are state agents. I am scared of being abducted and now I rarely spend the night at my house.⁶⁸

Civil society activists and opposition supporters allege that CIO agents and “youth militia” are often present at police stations around the country and are routinely involved in the beatings of activists in custody.⁶⁹ Similar allegations of CIO and “youth militia” involvement were made by the opposition officials and supporters beaten on March 11.⁷⁰

A civil society activist arrested and beaten at Harare police station on March 14 told Human Rights Watch, “We always know there are CIO and youth militia at the police stations. They are the ones who don’t wear police uniforms. The CIO officers sometimes introduce themselves as coming from the office of the president. They are usually the most brutal ones.”⁷¹

⁶⁸ Human Rights Watch interview with civil society activist [name withheld], Highfield, Harare, March 27, 2007.

⁶⁹ Human Rights Watch interviews with civil society and opposition supporters, Harare, Bulawayo, Masvingo and Mutare, March 14-28, 2007.

⁷⁰ Testimony from civil society activists and members of the opposition at Save Zimbabwe Campaign press conference, Harare, March 16, 2007.

⁷¹ Human Rights Watch interview with activist [name withheld], March 15, 2007.

Arbitrary arrests and abuse of opposition members and supporters

According to the MDC, scores of its officials and supporters have gone into hiding, and hundreds more arrested and subjected to brutal beatings and torture while in police custody.⁷²

Incidents of arbitrary arrest, abductions and assault of members and supporters of the opposition have increased significantly since the beginning of the year.⁷³ In a press conference in Harare on April 12, MDC leader Morgan Tsvangirai reported that 600 MDC members and supporters had been arrested, abducted or tortured since early 2007, and 150 had sustained life-threatening injuries since February 16.⁷⁴

The aftermath of the March 11 prayer meeting has resulted in even further arrests, abductions and beatings of opposition members and supporters. Human Rights Watch is concerned that police are using the petrol bomb attacks, for which trials are yet to take place, as a pretext to violently clamp down on all forms of political activity in the country.

On March 28, police stormed Harvest House in Harare, the political headquarters of the Tsvangirai-led faction of the MDC, and arrested more than ten MDC members and supporters.⁷⁵ Several others were arrested in the days and weeks that followed, in Harare, and other parts of the country.⁷⁶ The government claimed that the MDC members and supporters were behind the recent petrol bomb attacks, and that they had found dynamite and detonators at some of their homes.⁷⁷ Lawyers representing the activists informed Human Rights Watch that they were initially not allowed to see their clients,⁷⁸ and alleged that the MDC members were severely beaten and tortured

⁷² "Zimbabwe activists 'badly beaten', *BBC online news*, March 31, 2007, "MDC activists appear in Harare court," *SABC news*, April 3, 2007.

⁷³ See Zimbabwe Human Rights NGO Forum, "political violence report January 2007," March 16, 2007; "ZLHR concerned at continuing indiscriminate arrests of MDC members," ZLHR press statement, February 22, 2007.

⁷⁴ McDonald Dzirutwe, "Zimbabwe's Tsvangirai wants talks, says 600 tortured."

⁷⁵ Human Rights Watch telephone interviews with opposition supporters, civil society activists and lawyers, Harare, March 28, 2007.

⁷⁶ Human Rights Watch telephone interviews with some of the lawyers representing the activists, April 25, 2007.

⁷⁷ "MDC activists denied bail again," Zimonline, April 11, 2007, <http://www.zwnews.com/issuefull.cfm?ArticleID=16413> (accessed April 24, 2007).

⁷⁸ Human Rights Watch telephone interview with lawyers, Harare, March 28, 2007.

in police custody.⁷⁹ In Harare, 13 MDC members were denied bail and remain in custody accused of organizing and carrying out the petrol bomb attacks.⁸⁰

In a press statement on April 15, ZADHR condemned the denial of medical access for eight of the MDC members while in custody, and the forcible police removal of the activists from the private hospital where they were receiving treatment for their injuries on March 31.⁸¹ According to the MDC, at least 32 of its members and supporters are in police custody in various police stations around the country accused of planning and carrying out the recent petrol bomb attacks.⁸² The reports of abuse and torture of nine of the members raises deep concerns as to whether the activists will receive a fair trial, if one occurs.

The clampdown on the opposition has driven many into hiding. Human Rights Watch spoke to four local MDC members in Harare who were in hiding. One of them informed Human Rights Watch “I was beaten up at the March 11 rally by police. The police are now after me. They are accusing me of inciting people. Even though I am sick from the beatings I am not staying at home anymore. I am afraid if they find me they will beat me again or worse.”⁸³

Another female MDC member told Human Rights Watch:

I was arrested on March 11 before the prayer meeting. On March 16 I was arrested again and the police told me they were arresting me because I was a thug and accused me of burning a camp. They started beating me, my mum and other ladies who had come to see me while I was recovering from the beatings I incurred on March 11. They took us

⁷⁹ See “Zimbabwe activists “badly beaten,” *BBC online news*, March 31, 2007, <http://www.bbc.co.uk/1/hi/world/Africa/6515007.stm> (accessed March 31, 2007); “MDC activists appear in Harare court,” *SABC news*.

⁸⁰ *Ibid.* See also “Suspected Terror Bombers Apply for Refusal of Remand,” *The Herald*, April 21, 2007, <http://allafrica.com/stories/200704210057.html> (accessed April 24, 2007).

⁸¹ ZADHR press statement, April 15, 2007.

⁸² MDC statement, “A Summary of MDC Political Prisoners in Zimbabwe,” April 25, 2007, http://www.mdczw.org/index.php?option=com_content&task=view&id=269&Itemid=2&1 (accessed, April 26, 2007).

⁸³ Human Rights Watch interview with MDC member [name withheld], Harare, March 15, 2007.

to Warren Park police station. We were 11. They kept us there without food or water or anything. They were beating us with batons, boots, and fists. Our lawyers came on Saturday night and then we were released on Sunday. We were made to pay fines of 2,500 Zimbabwe dollars [US\$10] and we don't know why. My teeth are loose and my right leg and hand are severely bruised. Every part of me is in pain. I can't even sleep. I identified one of the police officers as Nyika. He was one of the people beating us up. They were saying "you will leave this party; we are going to destroy you." Even though I am sleeping at my house, I am not feeling comfortable.⁸⁴

Use of lethal force by security forces

Since March 11, several incidents have occurred in which Zimbabwean security forces have used disproportionate and lethal force against unarmed demonstrators and other activists. For example, MDC member Gift Tandare was killed when police opened fire on unarmed demonstrators during clashes with police in the immediate aftermath of the March 11 prayer meeting.⁸⁵ One witness to the incident told Human Rights Watch, "People were angry because they were being beaten and some threw stones but the police were armed to the hilt and had riot gear. They just fired."⁸⁶

On March 12, two MDC supporters were seriously injured when police opened fire on mourners at the funeral of Gift Tandare. According to a report from ZADHR, the two MDC supporters who were shot sustained gunshot injuries to the left ankle and right arm respectively. One sustained a shattered left ankle from the gunshot and was likely to require amputation from the left ankle downwards.⁸⁷ An MDC supporter present at the funeral described how 20 to 30 police armed with guns, batons and police dogs stormed the funeral:

⁸⁴ Human Rights Watch interview with MDC member [name withheld], Harare, March 22, 2007.

⁸⁵ Human Rights Watch interview with witness [name withheld], Harare, March 15, 2007.

⁸⁶ Human Rights Watch interview, Harare, March 15, 2007.

⁸⁷ ZADHR press statement, "Nature of Injuries of Tortured Civil Society Activists and Opposition Party Leaders," March 14, 2007.

The police jumped out of their trucks and started beating everyone there. They were two guys who were shot at the funeral. I saw it. One was shot in the arm and one in the leg. They [the police] just fired into the ground. They said “disperse, disperse, what are you doing here?” and some people started running and that’s how the two were shot. Those of us who didn’t run were forced to lie down and beaten.⁸⁸

They told everyone to lie down and then hit them with their batons. They said Gift Tandare deserved to die because he attacked the police. They were hitting us with batons. After hitting us they threw tear gas inside the house where the mourners were gathered.

One of the victims was shot on two separate occasions on the same day. His sister told Human Rights Watch:

I knew of the first incident at 4 a.m. when he [the brother] came with people saying that he was shot on the right arm. He was taken to Avenues hospital where he was assisted and then discharged at 11 a.m. on the same day. At 6 p.m. he went back to the funeral and he told me that at 9 p.m. the police officers came back with their truck and they just started shooting anyone who was running. My brother was running with the others and then he was shot on the same arm but he continued running. Then he started feeling dizzy and he shouted for help. After about 20 minutes he was assisted. He is still in the hospital now. His arm was badly damaged. They found three bullets in his arm and it is swollen. The doctors are waiting for the swelling to go down before they attend to it. He is in the Avenues clinic.⁸⁹

On April 7, armed police reportedly stormed the home of opposition member Philip Katsande and shot him three times in the arms and chest. At the time of writing,

⁸⁸ Human Rights Watch interview with MDC supporter, Harare, March 15, 2007.

⁸⁹ Human Rights Watch interview, Glenview, Harare, March 27, 2007.

Katsande remained in a critical condition at Parirenyatwa hospital in Harare. The police were reportedly looking for Katsande in connection with the petrol bomb attacks.⁹⁰ The police have not investigated any of the shootings described above.

The indiscriminate use of lethal force by police against unarmed demonstrators constitutes a grave violation of the right to life under international human rights law. The incidents prompted a statement from the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, who called on the government to immediately halt its use of lethal force against unarmed political activists.⁹¹ The Special Rapporteur concluded that “military and police officers may use lethal force only when doing so is strictly necessary for self-defence or the defence of another's life” and that to do otherwise was a violation of international human rights law.

Intimidation, arrest and abuse of lawyers and journalists

The authorities have also targeted human rights lawyers representing the victims of abuses and journalists trying to cover the political unrest. Some of the lawyers representing those arrested on March 11 and after have been threatened and on occasion assaulted by police officers and persons they allege are CIO agents. Two human rights lawyers told Human Rights Watch that they had received death threats over the phone by unknown persons.⁹²

Several human rights lawyers trying to gain access to arrested opposition supporters and civil society activists also told Human Rights Watch that the police routinely abused and threatened them with violence. In one case, human rights lawyer

⁹⁰ “Shot MDC activist under police guard,” MDC press statement, http://www.mdczw.org/index.php?option=com_content&task=view&id=262&Itemid=2&1, April 11, 2007, (accessed April 12, 2007).

⁹¹ “Government Of Zimbabwe Must Immediately Halt Use Of Lethal Force Against Unarmed Political Activists, Special Rapporteur Says,” UN news, April 2, 2007. [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/5CBBEC31014128A9C12572B100542D03?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/5CBBEC31014128A9C12572B100542D03?OpenDocument) (accessed, April 4, 2007).

⁹² Human Rights Watch interviews with lawyers, Harare, March 25, 2007.

Harrison Nkomo told Human Rights Watch that a police officer beat him with a baton when he tried to see his clients at Machipisa police station on March 11.⁹³

In a statement released on March 21, the International Bar Association's (IBA) Human Rights Institute condemned the violence and threats made against Zimbabwean lawyers by police and other officials.⁹⁴ The statement cited four separate incidents where lawyers were reportedly threatened with assault, arrest and in one incident 'disappearance' by police officers. In one case highlighted by the IBA, lawyer Mardzimbabwe Chimbaga was threatened by officials at Harare International airport on March 17, and told to stop taking up cases involving the opposition.⁹⁵

The intimidation of lawyers violates Zimbabwe's obligations under international law, including the ICCPR, and the ACHPR, which guarantee the right to legal counsel of one's choosing. The UN Basic Principles on the Role of Lawyers, though not binding on states, call on governments to ensure protection of lawyers to carry out their professional functions without intimidation, hindrance or harassment.⁹⁶

Journalists and photographers covering the political unrest have also come under attack. In a statement released in April, the Media Institute of Southern Africa (MISA) expressed serious concern about reports of abductions, beatings and torture of journalists in the country.⁹⁷ According to MISA, on the day of the prayer meeting on March 11, several police assaulted photojournalist Tsvangirai Mukhwazi, who spent three days in custody despite having the required media accreditation.⁹⁸ On April 1,

⁹³ Human Rights Watch interview, Harare, March 15, 2007.

⁹⁴ "Zimbabwe: Violence and Threats against Lawyers Condemned by the IBA," International Bar Association press release, March 21, 2007, <http://www.ibanet.org/iba/article.cfm?article=111> (accessed online, April 4, 2007).

⁹⁵ *Ibid.*

⁹⁶ ICCPR, article 14; ACHPR, article 7. See also Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, Cuba, August 27 to September 7 1990, U.N. Doc.A/CONF.144/28/Rev.1 at 118 (1990). These principles guarantee the right of all persons to be assisted by a lawyer. They also provide that governments ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, or harassment. Further governments are obliged to ensure that lawyers shall not suffer or be threatened with sanctions for any action as part of their professional duties. In situations where the security of lawyers is threatened as a result of discharging their duties, they must be adequately safeguarded by the authorities.

⁹⁷ "Press freedom falls prey to arrest and torture", *IRINnews*, April 11, 2007, <http://www.alertnet.org/thenews/newsdesk/IRIN/a44b1d40e7ed43043ffd582c95f24626.htm> (accessed April 12, 2007).

⁹⁸ "Brutally Assaulted Journalists, Opposition Activists Freed from Police Custody," MISA (Windhoek), March 16, 2007, <http://www.allafrica.com/stories/200703170865.html> (accessed April 5, 2007); "South Africa response to Zimbabwe's

independent journalist Gift Phiri was arrested and reportedly tortured while in police custody. He was released on bail after four days in custody, and charged with practicing without a licence and abusing journalistic privilege under section 79 (1) and section 80 (1)(b) of the Access to Information and Protection of Privacy Act (AIPPA).⁹⁹ Phiri's case was remanded to April 25 for trial. The judge presiding over his case ordered the state to investigate allegations that Phiri was tortured while in police custody and report accordingly.¹⁰⁰ At the time of writing this report police had not indicated whether they would investigate the allegations of torture.

On March 15, police severely beat a photographer and his brother in Glenview when they attempted to take pictures of a group of people at a shopping mall mourning the death of Gift Tandare. His wife told Human Rights Watch:

When my husband started taking the photos, a group of police officers swooped on him. He was taken to a forest where he was badly beaten with truncheons. The police took his cell phone, three cameras, two flashes and one bag with rechargeable batteries. His friends managed to rescue them and took him and his brother to hospital. He was badly bruised but his brother is worse. I think he fractured his arm. He is yet to recover. My husband has reported the case to the police but they keep telling him to come back on the next day and he has not recovered the items that were taken from him.¹⁰¹

The reported abduction and murder of Edward Chikomba, a freelance cameraman previously with the Zimbabwe Broadcasting Corporation, the state broadcaster, on April 5, has also raised serious concerns about the safety of journalists covering the recent events. Chikomba was reportedly abducted by unknown persons from his home in Harare and later found murdered; his body was reportedly left by the

Freedom of Expression Crisis 'Grossly Inadequate', Freedom of Expression Institute press release, April 5, 2007, [allafrica.com, http://allafrica.com/stories/200704050861.html](http://allafrica.com/stories/200704050861.html) (accessed April 5, 2007); See also press statement by Special Rapporteur on Freedom of Expression of the African Commission on Human and Peoples' Rights, Pansy Tlakula, MISA media statement, http://www.misazim.co.zw/press_statements/special_rap.htm. (accessed April 11, 2007).

⁹⁹ "Magistrate Ignores High Court Order as Journalist is Granted Bail," MISA media alert April 5, 2007. http://www.misazim.co.zw/ALERTS/Jan_Dec%202007/gift_bail.htm. (accessed April 11, 2007).

¹⁰⁰ Ibid.

¹⁰¹ Human Rights Watch interview, Glenview, Harare, March 27, 2007.

roadside near Darwendale, a township about 60 kilometers north of Harare.¹⁰² Police are reportedly investigating the murder.¹⁰³

¹⁰² "South Africa response to Zimbabwe's Freedom of Expression Crisis 'Grossly Inadequate,'" Freedom of Expression Institute press release, April 5, 2007, [allafrica.com](http://allafrica.com/stories/200704050861.html), <http://allafrica.com/stories/200704050861.html> (accessed April 5, 2007); "Harare cameraman's body dumped," *BBC online news*, April 5, 2007, <http://news.bbc.co.uk/2/hi/africa/6529887.stm> (accessed April 5, 2007).

¹⁰³ Angus Shaw, "Reporter's death prompts probe," *Associated Press*, April 6, 2007, <http://www.ap.org>.

The International Response

Zimbabwe's seven-year political crisis has divided the international community, with western and African governments taking different positions on how to address the crisis. The European Union (EU) and other western governments such as the United States and Australia have consistently condemned the human rights abuses in Zimbabwe. In response to the human rights situation in Zimbabwe, the EU, United States, and Australia have frozen the foreign assets of senior members of the Zimbabwean government and the ruling party and imposed a travel ban preventing the officials from traveling to EU countries, the United States, and Australia. African governments have not publicly condemned the human rights violations occurring in Zimbabwe and pointed to quiet diplomacy as the way to solve the crisis.

The reasons for African governments' reluctance to publicly condemn the abuses in Zimbabwe are many. Since Zimbabwe's crisis began in 2000, there has been a strong perception among some African governments that western governments have paid excessive and selective attention to Zimbabwe while remaining silent on serious and similar human rights abuses taking place in other countries in the region.¹⁰⁴ Some African countries also criticized assertions that the situation in Zimbabwe amounted to a threat to international peace and security, and have stated that the situation in Zimbabwe should not be addressed by the UN Security Council.¹⁰⁵ In addition, the human rights abuses occurring in several African countries may be one reason why their governments do not openly condemn similar abuses taking place in Zimbabwe. African governments have consistently argued

¹⁰⁴ President Mugabe has on numerous occasions claimed that the criticism of Zimbabwe is due to racist western perceptions which stem from a breakdown in relations between the UK and the Zimbabwe governments over the issue of land reform and redistribution of white-owned farms and land to black persons.

¹⁰⁵ On March 18, Britain urged the UN Security Council to condemn the abuses taking place in Zimbabwe but South Africa's ambassador to the UN argued that Zimbabwe did not pose a threat to international peace and security. See "Michelle Nichols, 'Britain urges Security Council to act on Zimbabwe,'" Reuters news, March 28, <http://www.alertnet.org/thenews/newsdesk/N28409986.htm> (accessed April 17, 2007). Article 24 of the UN Charter states: "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." Charter of the United Nations, signed at San Francisco on June 26, 1945, entry into force October 24, 1945.

that public condemnation of the abusive policies and acts of the government of Zimbabwe is counterproductive.

The quiet response of the African governments has brought widespread criticism from many western countries, Zimbabwean civil society groups and the opposition in Zimbabwe who argue that the silence of African governments emboldens the Zimbabwean government and encourages it to commit even further abuses.

So far, neither the “megaphone” diplomacy of western governments’ condemnation of abuses in Zimbabwe and sanctioning of the current government, nor the “quiet” diplomacy of African countries particularly within the SADC has produced any tangible solutions to dealing with the crisis in Zimbabwe or ending human rights violations.

The March 11 arrest and beating of the opposition leadership and civil society activists unsurprisingly drew widespread condemnation from western governments including the United States and the United Kingdom. UN Secretary-General Ban Ki-moon also criticized the government’s actions.¹⁰⁶ African leaders were typically less vocal in their response although some such as President John Kufour of Ghana expressed concern at the mounting political unrest.¹⁰⁷ A statement from the chairperson of the commission of the African Union (AU) Alpha Oumar Konare, also called for the respect for human rights in Zimbabwe.¹⁰⁸

In view of the government of Zimbabwe’s poor relationship with western governments, their very limited ability to influence the Zimbabwean government and the reluctance of the AU to find a solution to the crisis, the onus has been placed on southern Africa’s regional leadership to address the crisis.

¹⁰⁶ “Beckett condemns opposition treatment in Zimbabwe,” Foreign and Commonwealth Office Media update, March 14, 2007, <http://www.fco.gov.uk> (accessed March 15, 2007); “Call for Immediate Release of Zimbabwean Opposition Leaders,” Statement by Secretary Condoleezza Rice, U.S. Department of State, March 13, 2007, <http://www.state.gov/secretary/rm/2007/mar/81670.htm> (accessed March 15, 2007); Statement by UN Secretary-General Ban Ki-moon, United Nations media release, March 12, 2007, <http://www.un.org/apps/news/story.asp?NewsID=21833&Cr=zimbabwe&Cr1> (accessed March 12, 2007).

¹⁰⁷ “African Union ‘uncomfortable’ with situation in Zimbabwe –Kufour,” *Pan African News Agency*, March 15, 2007, <http://www.africa-interactive.net/index.php?PageID=3670>.

¹⁰⁸ Statement on the situation in Zimbabwe from African Union Commission Chairperson Alpha Oumar Konare, March 16, 2007, <http://www.africa-union.org/root/au/index/index.htm> (accessed April 14, 2007).

On March 28, member states of the SADC convened an extraordinary summit in Dar es Salaam, Tanzania to address the political crisis.¹⁰⁹ The summit brought high hopes that a solution to the crisis would be found, and bring the ongoing human rights abuses in the country to an end. However, in the summit's final communiqué, the SADC leaders made no mention of the arrests and beatings of opposition members and supporters, civil society activists and ordinary Zimbabweans. Instead the SADC mandated President Thabo Mbeki of South Africa to mediate talks between the ruling party and the opposition, called for an end to political sanctions against Zimbabwe from the EU, and US and Australian governments and for the British government to address the land issue.¹¹⁰

Human Rights Watch believes that by refraining from mentioning the human rights abuses committed by the Zimbabwean government, the SADC missed an important opportunity to address Zimbabwe's political crisis. Unless and until the SADC leaders start talking openly about the human rights violations being committed by the Zimbabwean government, and demand an end to them, it is highly unlikely that the current crisis can be resolved.

Despite the failure of the SADC to address the violence and appalling human rights situation in its communiqué, the mandate given to President Thabo Mbeki provides him with greater authority to deal with the crisis than in the past. The South African government has previously shown reluctance to unilaterally address the crisis in Zimbabwe. In an interview with the *Financial Times* on April 1, President Mbeki confirmed as much saying, "We have never had a mandate from anybody to intervene in Zimbabwe. It has entirely been a matter that we are a neighbor that we can't stand aside when all these problems manifest themselves.... It is actually the first time that we have been mandated by anybody. This time we are acting for the region."¹¹¹ President Mbeki also indicated that senior South African government officials had met with the two secretaries general of the MDC factions.¹¹²

¹⁰⁹ Communiqué from the 2007 Extra-Ordinary Summit of Heads of State and Government Held in Dar es Salaam, United Republic of Tanzania 28th to 29th March 2007.

¹¹⁰ Ibid.

¹¹¹ Lionel Barber and Alec Russell, "Interview with Thabo Mbeki," *Financial Times*, April 3, 2007.

¹¹² Ibid.

Other SADC governments likely to play a greater role in finding a solution to the crisis are Tanzania, Namibia and Angola as part of the Organ on Politics, Defence and Security troika of the SADC, as well as Botswana, Lesotho and Zambia, which form the executive decision-making committee of the SADC. President Kikwete of Tanzania as incumbent Chair of the SADC could also play a pivotal role in dealing with the crisis. Kikwete visited Zimbabwe to discuss the mounting political unrest soon after the March 11 incident.

The continued arrests, beatings and alleged torture of opposition members and civil society activists, and the failure by the government of Zimbabwe to curb these abuses, calls into question its commitment to ending the political crisis in the country, and create huge obstacles to a viable solution. It is important for the SADC leaders to publicly call for an immediate end to these abuses and for the perpetrators to be brought to account, so that they can effectively mediate meaningful political dialogue between the opposition and the ruling party.

Human Rights Watch believes that meaningful engagement between the opposition and the ruling party can only take place if President Mbeki brings a robust human rights agenda to the mediation table, and calls on the Zimbabwean authorities to rebuild the institutions that ensure respect for human rights, democracy and the rule of law, including an independent judiciary and a professional police force. In helping to set the stage for next year's elections, President Mbeki should also press the Zimbabwean government to repeal all repressive legislation and to open up the democratic space for free and fair elections.

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