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Joint statement

Amnesty International, Zimbabwe Human Rights NGO Forum and Zimbabwe Lawyers for Human Rights

Human rights issues must be at the centre of any dialogue between the government of Zimbabwe and the opposition political parties

Three months after the extra-ordinary Summit of the Heads of State and Government of the Southern Africa Development Community (SADC), which took place on 29 March 2007 in Dar es Salaam, the United Republic of Tanzania, over X international human rights and civil society organisations have come together to call on SADC leaders to urge the government of Zimbabwe to end human rights violations in Zimbabwe. In particular, we call on President Thabo Mbeki of South Africa, in his capacity as the SADC-appointed mediator, to ensure that human rights issues are prioritised in any settlement to be agreed by the government of Zimbabwe and the political opposition party, the Movement for Democratic Change (MDC).

Attacks on members of the political opposition and civil society organisations are taking place in the context of a severely declining economy as well as an increasingly repressive environment in Zimbabwe, in which the rights to freedom of expression, association and assembly are regularly suppressed by the government and incidents of state-sponsored organised violence and torture are increasing.

President Mbeki was mandated to facilitate a dialogue between the government of Zimbabwe and the MDC, following the torture and ill-treatment of a number of leaders and members of the MDC and other civil society organisations by the Zimbabwe Republic Police on 11 March 2007. The MDC and human rights activists were arrested for attempting to attend a prayer meeting organised to protest a three month ban of rallies and demonstrations imposed by police in parts of Harare under section 27 of the Public Order and Security Act.

We are concerned that since the SADC meeting, arbitrary arrest and detention, torture and organised violence have been on the increase in Zimbabwe.

At least 30 political detainees arrested on 28 March 2007, including MDC Member of Parliament Paul Madzore and MDC Director of Elections Dennis Murira, spent over two months in custody awaiting trial, and 18 have since had the charges dropped.

The detainees' lawyers, Alec Muchadehama and Andrew Makoni, were also arrested outside the High Court on 4 May 2007 after submitting court papers on behalf of Amos Musekiwa, one of the political detainees. The lawyers were only released on bail on 7 May.

On 8 May police in Harare beat lawyers who had gathered outside the High Court to protest the unlawful arrest of Alec Muchadehama and Andrew Makoni. Police forced some of the lawyers including Beatrice Mtetwa, President of the Zimbabwe Law Society, into a police truck before driving to a secluded area and reportedly beating them. They were then released.

The Zimbabwean government has justified arbitrary arrest, detention, torture and ill-treatment as a response to attacks on police by alleged opposition supporters. As with all alleged criminal acts, we urge the government of Zimbabwe to immediately and impartially investigate these attacks, respecting the rights of the suspected perpetrators, including the right to a fair trial. However, incidents of violence by protestors by no means justify excessive use of force, torture or ill-treatment by the police.

We are also concerned that two years after an estimated 700,000 people lost their home or livelihood or both when the government embarked on a programme of mass forced evictions codenamed Operation Murambatsvina (Restore Order), the government has failed to provide

an effective remedy to the victims. Most of the victims are still in urgent need of humanitarian assistance. The SADC initiative should not forget these victims of human rights violations.

These human rights concerns have been well documented, including in the African Commission on Human and Peoples' Rights' report of its 2002 fact-finding mission to Zimbabwe. However, the government of Zimbabwe has failed to implement key recommendations contained in the African Commission's report and its resolution adopted at the 38th Ordinary Session in November 2005.

The human rights situation in Zimbabwe requires immediate action by SADC leaders. President Mbeki and other leaders of SADC should send a clear and unequivocal signal to the government of Zimbabwe that they will not remain silent about the violations of human rights perpetrated in Zimbabwe and should ensure that the government of Zimbabwe takes immediate steps to respect and protect human rights of all people in Zimbabwe, including ending the use of excessive force, torture and ill-treatment. Central to resolving the crisis in Zimbabwe is the need to ensure that perpetrators of human rights violations are held accountable and that the victims have access to justice. Any attempt to circumvent the needs of victims will not bring a lasting solution.

In their mediation efforts, President Mbeki and the other member states of SADC should not be limited to finding a short-term political solution between the government of Zimbabwe and the MDC, but should aim to find a long-term solution to the human rights crisis in Zimbabwe. This can be achieved by consulting widely among civil society organisations in Zimbabwe and ensuring that all stakeholders are able to contribute to the process.

Through their mediation efforts, we urge President Mbeki and the other member states of SADC to ensure the following:

- all parties involved in the mediation process agree to clear timelines and bench marks, including the respect and protection of human rights for all, an end to organised violence, and fulfilment of Zimbabwe's obligations under the African Union and UN human rights frameworks.
- the government of Zimbabwe immediately ends its campaign of intimidation and harassment of human rights activists, civil society leaders, members of the political opposition parties and other critics of government policies;
- the government of Zimbabwe fully respects the right to freedom of association, peaceful assembly and expression and repeal or amend its national laws to bring them into line with regional and international human rights standards, including the African Charter on Human and Peoples' Rights and the International Covenant of Civil and Political Rights to which Zimbabwe is a state party;
- the government of Zimbabwe takes immediate steps to end torture, other ill-treatment and serious human rights violations by the police and other security forces. Relevant authorities in Zimbabwe should investigate and hold the perpetrators of violations of human rights accountable; and
- all those who are currently homeless as a result of the mass forced evictions have access to humanitarian assistance, including emergency shelter, food, water and medical care. The victims of forced evictions should be given an effective remedy.