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Zimbabwe: The human rights situation is precarious

Amnesty International has a long and consistent record of campaigning on human rights issues in Zimbabwe, going back more than forty years.

This AI mission comes at a critical juncture in Zimbabwe's history, 9 months after the adoption of the Global Political Agreement and 4 months after the setting up of the inclusive government, following a decade of political crisis marked by high levels of human rights violations. The purpose of the AI mission has been to assess the human rights situation and the commitment of the government to end human rights abuses and bring about reforms in line with the GPA, and to make recommendations to the government and to the international community on the way forward.

AI met with the Vice- President Joice Mujuru, Minister of Defence Emmerson Dambudzo Mnangagwa, Minister of Education David Coltart, Minister of State in the President's Office Didymus Mutasa, Deputy Minister of Justice Jessie Majome, Minister of Home Affairs Kembo Mohadi, Minister of Home Affairs Giles Mutsekwa, Minister of State (National Healing) Sekai Holland, Speaker of the House of Assembly Lovemore Moyo. The delegation met with Minister of Housing Fidelis Mhashu.

AI did not get an appointment with the President although we had requested a meeting with him. The delegation will meet with the Prime Minister in London on Monday 22 June.

AI appreciate very much the open and frank manner with which the government has engaged with the delegation and the full and free access that we enjoyed.

AI also met with a wide range of civil society representatives in Harare and Bulawayo, and with men, women and children in urban and rural areas, including survivors of political violence and other human rights abuses. The delegation visited a rural community near Bulawayo, urban settlements for displaced people and a primary school in Harare. AI also met with representatives of the diplomatic community from African and western countries.

Our findings are based on extensive research just prior to the mission as well as on the meetings and discussions we had during this mission.

Overall assessment

• **Although the level of political violence is significantly less compared to last year, the human rights situation in Zimbabwe remains precarious, the socio-economic conditions desperate.**

- Human rights defenders, journalists, teachers and lawyers continue to be intimidated, harassed, threatened, detained and charged, often for malicious prosecutions.¹²

¹ On 11 May 2009, Vincent Kahiya and Constantine Chimakure editors of the *Zimbabwe Independent* were arrested and detained. They were charged with publishing an article which is "wholly or materially false with the intention to generate public hostility towards the police, the military and the prison service" under Section 31 of the Criminal Law (Codification and Reform Act). Police also summoned Mike Curling, a director of publishers of the *Zimbabwe Independent*, who was also made to sign a 'warned and cautioned' statement. Kahiya and Chimakure were released the following day after being granted bail. Prior to this arrest, the editor of the state-owned *The Chronicle* newspaper Brezhnev Malaba and reporter Nduduzo Tshuma had been charged with criminal defamation under the same law in March after the paper published an article in February alleging police involvement in a maize scandal at the state-controlled Grain Marketing Board.

² Aleck Muchadehama who is a lawyer representing the victims of enforced disappearances was also arrested on circumstances that also raise a lot of questions around the genuineness of the charges.

Por los derechos humanos en todo el mundo.

Premio Nobel de la Paz 1977. Declarada de utilidad pública (Acuerdo Consejo Ministros 31 julio 1981)

DOCUMENTACIÓN

AMNISTÍA
INTERNACIONAL 

AMNISTÍA INTERNACIONAL
Sección Española

C/ Fernando VI, 8, 1º izda
28004 MADRID

T: +34 913 101 277
M: +34 630 746 802
F: +34 913 195 334
E: info@es.amnesty.org
W: www.es.amnesty.org

- Prosecutions are being pursued against fifteen political activists and human rights defenders who were abducted last year while their complaints of torture during the disappearance has not been investigated.
- Seven MDC activists who “disappeared” in 2008 have not been found. When we raised their cases with the two Home Affairs Ministers, they assured us that the individuals are not in police custody but could not say what has happened to them.
- The right to peaceful protest continues to be severely restricted. As recently as yesterday, we received reports that a number of WOZA activists were beaten by the police and at least eight of them were arrested for carrying out a peaceful demonstration in Bulawayo.
- Despite public commitments, four months into the inclusive government, no broadcast license has been issued to independent media. Instead, several journalists have been threatened, arrested and are being prosecuted for exposing police misconduct.
- Farm invasions persist, with violence affecting both farmers and farm workers. According to the UN, during 2009 more than 2800 farm worker households have been affected by the violence.
- The desperate economic conditions have led to severe denial of economic and social rights of millions of Zimbabweans who are suffering from food shortages, serious health threats and a crisis in the education system.
- Four years on, most of the victims of Operation Murambatsvina are still without adequate housing and redress.
- The conditions in Zimbabwe’s prisons are deplorable, with serious food shortages and lack of medical care leading to high levels of deaths. Out of a prison population of 15,000, 970 prisoners died between January - May 2009.

• Impunity unaddressed

The culture of impunity is deeply entrenched at every level of the state. No major investigation or prosecution has been brought against those responsible for the state-sponsored political violence. Despite the pledge in the GPA to bring all perpetrators of political violence to justice, senior ministers from both parties told AI that addressing impunity is not a priority for the government. [Except for one reported case against 3 ZANU-PF supporters in Chiredzi in April this year, AI is not aware of any investigation or prosecution to address the political violence.] Low and middle ranking police officers told us that they have been instructed by their superiors not to investigate cases in which MDC supporters were victims. Victims have confirmed that when they have approached the police, their complaints have gone unaddressed.

This tolerance of impunity is dangerous because it is seen by the perpetrators, whether police, security officials or political party activists, as a license for continuing to threaten, attack and intimidate opponents.

The government’s blatant disregard of impunity is in sharp contrast to the demand for justice, redress and reparations from the victims and survivors of violence that our delegation met. The failure of the state to respond increases the risk of retributive violence. [This has led some people to take it upon themselves to retrieve their stolen chickens, goats and other property from those who had attacked them in 2008, increasing the threat of violence and violations of human rights.]

The government is about to inaugurate a plan for national healing but AI is convinced that without justice there can be no real healing in a country deeply polarized by decades of political violence.

• No progress on security sector reform

Elements in the police, army and other security officials have been key perpetrators of human violations in Zimbabwe. Reform of the security sector is urgently needed, yet we got no clear indication from the government as to whether, how and when such reform will happen.



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Sección Española

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28004 MADRID

T: +34 913 101 277
M: +34 630 746 802
F: +34 913 195 334
E: info@es.amnesty.org
W: www.es.amnesty.org

This lack of clarity has led many human rights activists and ordinary Zimbabweans to fear that should violence erupt again the state security apparatus will fail to protect them and might even be used to against them.

- **No sense of urgency to implement the GPA**

The Global Political Agreement provides a framework for major human rights changes but the commitment to implement it is neither strong nor consistent in all parts of the Government. The National Security Council has not met since March. The Joint Operational Monitoring and Implementation Commission – the key oversight body of the government on the GPA - is not functioning properly. Some elements of ZANU-PF see the use of violence as a legitimate tool to crush political opponents and retain power. They are either resisting or undermining efforts to introduce human rights reforms, or paying lip service to human rights and simply biding time until the next elections. There is also an inclination on the part of some parts of the MDC to ignore human rights concerns for the sake of political expediency. The effort the MDC makes to locate the disappeared activists will be a test of its commitment to human rights.

Persistent and serious human rights violations, the failure to introduce reform of the police, army and security or address impunity and lack of clear commitment amongst some parts of the government are real obstacles that need to be confronted by the top leadership of Zimbabwe.

Key recommendations

- The government must give as much attention to ending human rights violations and securing human rights reforms as they are giving to seeking economic resources or ending sanctions.
- The lack of resources is no excuse for human rights violations. Ending attacks on human rights defenders, teachers, lawyers and journalists or political opponents, lifting restrictions on the media, allowing peaceful public protests do not require money. They require political will.
- For the climate of intimidation to end, President Mugabe and Prime Minister Tsvangerai must make public statements instructing their respective party activists to stop harassing, intimidating, and threatening political opponents, teachers, lawyers, journalists and human rights defenders.
- The constitutional reform process is potentially a vehicle to create a new culture for diversity. The creation of the inclusive government means that Zimbabwe has no political opposition. The voice of civil society becomes all the more important in the absence of political opposition. Civil society has to be given space to debate, discuss, protest and mobilize different points of view, to participate fully in the constitutional consultations and in the creation of the National Human Rights Commission and Media Commission.
- No meaningful debate can take place without a free media. Licenses should be issued to independent newspapers and the airwaves must be liberalised as a matter of priority. National and international media should be allowed to operate freely. Such actions require neither additional money nor new laws.
- Freedom of assembly, association and expression are recognised in the GPA and must be implemented.
- AI is not naïve. We fully realise that these measures are unlikely to be respected without external support and pressure. The polarization that exists within Zimbabwean politics is mirrored in the polarization in the international community towards Zimbabwe and that is reducing the impact of external pressure on Zimbabwe.
- We call on the international community – both African governments as well as western ones – to work together to develop a common human rights strategy on Zimbabwe. The universality of human rights demands that both regional and international actors treat the human rights situation in Zimbabwe not just as a regional concern but as an as a matter of international concern and support. More specifically,
 - We call on President Zuma of South Africa as the Chair of SADC, to provide leadership by broadening the range of international actors and adding more

- effective accountability and oversight measures on human rights progress under the GPA.
- We call on all governments – African and western – to develop a commonly agreed set of criteria and process for measuring the human rights performance of Zimbabwe and for supporting the Zimbabwean government to deliver against those criteria.
 - We call on the Zimbabwean Government to invite the High UN Commissioner for Human Rights to establish a presence in the country to support human rights reforms and monitor progress.
 - The human rights assessment is grim but it should not be used by donors as an excuse to withhold funding that could make a critical difference to humanitarian needs or major human rights reforms. We believe humanitarian assistance to Zimbabwe should be expanded but should be done in a way that is transparent, accountable and enhances human rights.
 - A recurring theme during our meetings with Zimbabweans in poor rural and urban communities was education: poor parents cannot pay the levies on education, they are being forced to make impossible choices – between food and schooling; between educating their son or their daughter. International assistance must be provided in a way that allows the government to abolish all primary school fees and levies, and to invest both in retaining teachers but also in providing teaching material and improving schools. The children of Zimbabwe must not be made to suffer for the political failure of their government or to political differences between their government and international donors.

Progress on human rights has been slow. Words have not followed action. Nevertheless the adoption of the Global Political Agreement and the setting up of the inclusive government has changed the political dynamics, and there is an opportunity for all parties, national and international to build on that development..

As head of state, commander in chief of the armed forces and leader of the country for the last three decades, President Mugabe and those around him have a special responsibility to rise to the challenge of delivering on the GPA and particularly on the hard core human rights issues.

The international community must overcome its polarization and find common ground, based on human rights, to help Zimbabwe back on its feet. Progress on human rights has been woefully slow. The people must not be held hostage to the political ambitions of their leaders.

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Gabinete de prensa de la Sección Española de Amnistía Internacional
Ángel Gonzalo, Carmen López, Rocío Carneros
Telf., 91 310 12 77 ó 630 746 802

Documentos y comunicados de prensa
www.es.amnesty.org