

ZIMBABWE

**A FIVE POINT HUMAN
RIGHTS AGENDA FOR THE
INCLUSIVE GOVERNMENT**

**AMNESTY
INTERNATIONAL**



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PUT HUMAN RIGHTS AT THE TOP OF THE POLITICAL AGENDA

As the political parties in Zimbabwe set up an inclusive government, Amnesty International is calling on the new government to place human rights at the top of its agenda.

The inauguration of an inclusive government is an important opportunity for the Zimbabwe African National Union – Patriotic Front and the two formations of the Movement for Democratic Change to demonstrate to the Zimbabwean people and rest of the world that they are committed to a future where human rights are truly and fully respected, protected, promoted and fulfilled.

Since 2000, the human rights situation in Zimbabwe has deteriorated sharply. Amnesty International is concerned about the role played by the security forces in silencing perceived political opponents including human rights defenders and political activists from opposition parties. In addition, the rights to freedom of association, peaceful assembly and expression have been curtailed with almost total impunity.

Amnesty International remains concerned about the plight of hundreds of thousands of Zimbabweans whose homes and businesses were destroyed during Operation Murambatsvina in 2005.

Amnesty International is also concerned about the deteriorating economic and social conditions in Zimbabwe. In particular, the organisation is concerned about the increased food insecurity, collapse of public health, and failing education system.

The first 100 days of the new administration offers the chance for President Robert Mugabe and Prime Minister-designate Morgan Tsvangirai to take concrete steps to demonstrate the commitment of the new government to internationally recognized human rights, including those guaranteed under the African Charter on Human and Peoples' Rights, International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The new government should ensure full compliance with Zimbabwe's international and regional human rights obligations and commitments, as explicitly set out in the treaties it has ratified.

Amnesty International is calling on the government to implement a clear agenda for human rights which includes the following five points:

- The new government should immediately and unconditionally release Prisoners of Conscience Jestina Mukoko, Broderick Takawira, and Pascal Gonzo. It should also either promptly charge all known and unknown political detainees with recognizable crimes, and ensure prompt and fair trial for them, or release them immediately.
- The new government should commit itself to opening up the operational environment for all NGOs and human rights groups, political parties and independent media.
- The new government should publicly acknowledge all human rights violations by the previous government, commit to establishing the truth, and take effective measures to guarantee non-repetition.
- The new government should immediately end partisan policing and combat impunity for human rights violations by the security forces.
- The new government should prioritise the full realisation of all economic, social and cultural rights including rights to food, health, education and housing. Where it is unable to meet its minimum core obligations, it should seek international assistance.

1. RELEASE ALL PRISONERS OF CONSCIENCE AND ENSURE PROMPT AND FAIR TRIAL FOR POLITICAL DETAINEES

At least 30 people are known to be still in custody following a wave of enforced disappearances that started at the end of October 2008. The MDC-T claims that about 11 of their members are also missing. Those in detention include Jestina Mukoko, the director of the Zimbabwe Peace Project (ZPP), an NGO involved in monitoring and documenting human rights violations. Jestina Mukoko was abducted from her home in Norton by state security agents on 3 December 2008. For about three weeks her whereabouts remained unknown. Broderick Takawira and Pascal Gonzo, both male, were abducted by state security agents from the ZPP offices in Harare on 8 December. The three human rights workers were later handed to the police by their abductors on or around 23 December and have remained in custody despite a High Court ruling declaring their abduction and subsequent arrest and detention unlawful. Amnesty International considers the three human rights workers to be prisoners of conscience.

Amnesty International calls on the new government to:

- Immediately and unconditionally release all Prisoners of Conscience.
- Ensure that all known and unknown political detainees are promptly charged with recognizable crimes in accordance with international fair trial standards, or are released immediately.

2. IMPROVE THE OPERATIONAL ENVIRONMENT FOR NGOS AND HUMAN RIGHTS GROUPS, POLITICAL PARTIES AND INDEPENDENT MEDIA

Since 2000 the government has taken measures to silence all critics of its policies. Hundreds of human rights defenders have been arbitrarily arrested and unlawfully detained by the police after exercising their rights to peaceful protest and freedom of association. Scores have been tortured while in police custody for exercising these rights. Police have used excessive force to break up peaceful protests often resulting in serious injuries. In June 2008, the government suspended the operations of all non-governmental organisations (NGOs). Although the suspension was later lifted for humanitarian organisations, other organisations including human rights groups continue to face obstacles including harassment and intimidation.

In the run up to the 27 June election, the Zimbabwean security forces were implicated in the abduction, killing, and torture of known and suspected supporters of the then opposition parties. About 190 people died and at least 10,000 people were injured. Many people are still missing following the wave of state-sponsored violence.

The government has also restricted the activities of private media organisations including by banning critical media organisations such as the Daily News, Radio Voice of the People and others. Journalists have been targeted for arrests and some have been denied registration by the Media and Information Commission.

Amnesty International calls on the new government to:

- Immediately cease all intimidation, arbitrary arrests and torture by the police and other state security forces of government critics.
- Immediately drop charges against all people arrested and charged for exercising their internationally recognised rights to peaceful assembly, freedom of association and expression.
- Immediately review and amend existing rules that facilitate unjustified use of force, in order to bring them into full compliance with the UN Basic Principles on the Use of Force or Firearms by Law Enforcement Officials and related standards.
- Immediately remove unnecessary restrictions on the media and allow independent media to operate freely.

3. DEAL WITH PAST HUMAN RIGHTS VIOLATIONS

Amnesty International is appealing to the new government to institute a series of measures to break the culture of impunity which has persisted since 2000, and which was a major factor in serious violations of economic, social, cultural, civil and political rights.

International human rights treaties such as the ICCPR guarantees to everyone the right to an effective remedy. The African Charter on Human and Peoples' Rights also provides guarantee to everyone the right to appeal to competent national bodies against violations of the internationally recognized human rights. Furthermore, states must establish the facts about violations of human rights that have occurred; they must investigate those violations and bring suspected perpetrators to justice; and they must provide victims and their families with reparation, in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Amnesty International urges the new government to:

- Immediately establish an independent commission of enquiry to look into all aspects of human rights violations in Zimbabwe since 2000. The terms of reference of the commission and its members should be determined on the basis of broad public consultation with all sectors of society, including the victims. The members of the commission should be appointed on the basis of their recognized impartiality, competence, integrity and independence. Efforts should be made to ensure adequate representation of women. The terms of reference of the commission should mandate it to include in its final report recommendations on legislative and other action to combat impunity. The report of the commission should immediately be made public upon its finalisation.
- Undertake prompt, thorough, independent and impartial investigations of human rights violations and ensure that those responsible for crimes, particularly crimes under international law and other serious human rights violations are brought to justice.
- Ensure that victims receive reparations and have the possibility to seek redress in civil or other proceedings from those responsible for human rights violations. The new government

should not take any measures that take away the victims' right to full and effective remedies, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

- Take the necessary steps to ensure the prompt ratification, without reservations, of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Set up a national Human Rights Commission in conformity with the Paris Principles. The commission should be granted full independence and freedom of action and resources to conduct its work, and have a broad mandate to cover Zimbabwe's long history of human rights violations, including violations that took place in the 1980's in the Midlands and Matabeleland provinces.

4. END PARTISAN POLICING AND COMBAT IMPUNITY FOR HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Some units in the Law and Order section of the Criminal Investigations Department of the Zimbabwe Republic Police (ZRP) appear to operate under political instructions and without accountability to the ZRP command structures. Several victims have testified before Zimbabwean courts about their torture and other ill-treatment while in the custody of the Law and Order section. For example, on or around 23 December 2008 the section received victims of enforced disappearance from their abductors. Even though the courts had ruled that the abduction of some of the victims was unlawful, no-one was arrested. Senior officers from the Law and Order section were complicit in ensuring that the victims were unable to identify the perpetrators. Hundreds of people have been severely beaten while in the custody of the Law and Order section simply for belonging to opposition parties or a human rights group.

Amnesty International urges the new government to:

- Reform relevant units of the ZRP to ensure that they are not used as instruments to perpetrate human rights violations. Public officials and employees, in particular those in the security forces, should receive comprehensive and ongoing training in human rights standards and their implementation. If the new government is unable to undertake this exercise it should immediately seek international support and collaborate with civil society organisations to implement such training.
- Ensure that those in the Law and Order section implicated in human rights violations, including torture and other forms of ill-treatment, are held accountable and removed from public office. The officers who carried out the violations as well as their superiors should be held to account.
- Put in place effective oversight mechanisms for the security forces so that action is taken promptly to ensure lawful practices at all times.
- Invite the AU and the UN to send human rights monitors to monitor the activities of the security forces and to investigate allegations of human rights violations perpetrated by the security forces.

5. PRIORITISE THE FULL REALISATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Retrogressive government policies and practices have led directly to the reduction of the entire population's access to food, healthcare, education and housing. Hyper inflation has also eroded the capacity of both rural and urban populations to access food. In 2008, the country experienced serious shortages of seed and fertilizer.

Food security – nearly half of Zimbabwe's population is dependent on food aid from the World Food Programme. Despite the high levels of food insecurity and in clear violation of its obligations under international human rights law, the government has consistently used food as a tool to demand loyalty in rural areas. People suspected of supporting the then opposition parties were denied access to cheap maize sold through the state-owned Grain Marketing Board (GMB). In the run-up to the 27 June presidential election thousands of rural farmers' food reserves were plundered or destroyed as a punishment for supporting opposition parties. The government also effectively blocked access to food aid ahead of the presidential election by banning the field operations of humanitarian organisations between 4 June and the end of August.

Health – public hospitals and clinics are in need of major rehabilitation following many years of neglect by the state. Most health centres are barely functioning – with malfunctioning equipment, no medicines and with health workers on strike over poor working conditions and low wages. Where health institutions are still functioning, most patients cannot afford transportation to get there. Private healthcare is unaffordable for the vast majority. The situation is so severe that a cholera outbreak that began in August 2008 has killed over 3,300 people and the death toll keeps rising. Efforts to counter the epidemic, which has spread to all 10 of Zimbabwe's provinces, have been undermined by a shortage of safe drinking water, inadequate sanitation, the collapsing healthcare infrastructure, and the high drop out rate of underpaid health workers.

Education – Many teachers have left for neighbouring countries often to do menial jobs in order to support families back in Zimbabwe. Children living in poverty in Zimbabwe are losing out on their education. In January 2009, most public schools failed to open as teachers were on strike over poor salaries or could not afford transport to work.

Housing – Hundreds of thousands of people who were forcibly evicted during Operation Murambatsvina in 2005 continue to live in destitution. Forced evictions are a gross violation of human rights and contravene a number of international and regional human rights treaties to which Zimbabwe is a state party. Operation Garikayi/Hlalani Kuhle, ostensibly the government's attempt to remedy the effects of the forced evictions, did not benefit the victims of the evictions. The programme was exposed by Amnesty International as a public relations exercise which benefited civil servants and others connected to the former ruling party. Few houses were built compared to the number of those destroyed, and of those that were built many were uninhabitable, lacking doors, windows, toilets and access to clean water.

Amnesty International urges the new government to:

- Ensure non-discrimination in access to and distribution of food, including grain sold by the GMB. Humanitarian organisations providing food and other aid should have unimpeded access.
- Urgently take steps, including through seeking international cooperation and assistance, to strengthen health services. Prioritise the provision of a minimum essential package of health-related services and facilities for the whole population and the development and adoption of a comprehensive national health plan.
- Ensure the realisation of the right to education, in particular the right to free and compulsory primary education through the improvement of material conditions for teaching staff and the provision of a living wage.
- Fully implement the recommendations contained in the 2005 Report of the UN Special Envoy of Human Settlement Issues in Zimbabwe. Develop a comprehensive human rights-based housing programme to address the housing needs of all victims of Operation Murambatsvina.
- Seek international cooperation and assistance to ensure minimum essential levels of economic, social and cultural rights for the whole population, in particular food, housing, safe drinking water and sanitation, essential health care and primary education.

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