

# **ZIMBABWE**

## **MEMORANDUM TO THE SADC ON THE DETERIORATING HUMAN RIGHTS SITUATION IN ZIMBABWE**

Amnesty International is writing to the Southern Africa Development Community (SADC) Heads of State or Government in advance of their meeting in Blantyre, Malawi, on 13 to 15 January 2002 to urge the assembled leaders to take a firm stance on the escalating human rights crisis in Zimbabwe. There is a potential for the violent repression of political opposition to degenerate into civil war and a possibility of state-sponsored militias undermining any attempt to reassert the rule of law. We urge the SADC Presidents to deploy immediately a credible presence of human rights monitors -- in addition to election monitors from the SADC Parliamentary Forum to observe the presidential balloting in March 2002 -- to help avert further political killings, "disappearances", torture and mass displacement of rural people.

Amnesty International recalls former President Nelson Mandela's unequivocal message to the assembled Southern African leaders at the 1997 SADC Summit, also held in Blantyre, in which he noted that although the principle of non-interference in a nation's domestic affairs should be respected, SADC's credibility depended in part on how it lived up to its human rights aspirations: "The right of citizens to participate unhindered in political activities in the country of their birthright is a non-negotiable basic principle to which we all subscribe... This democratic process is denied when political leaders, representing a legitimate body of opinion, are prevented from participating in political activity... We collectively cannot remain silent when political or civil movements are harassed and suppressed through harsh state action... Can we continue to give comfort to members states whose actions go so diametrically against the values and principles we hold so dear and for which we have struggled so long and so hard? Where we have instances of member states denying their citizens basic rights, what should we as an organisation do or say?"

We believe the regional consequences of state-sponsored violence and intimidation in Zimbabwe have become increasingly clear; the need for leadership by SADC Heads of State urgent.

Amnesty International welcomed the initiative by SADC when it held an extraordinary two-day summit on 17 and 18 September 2001 in Harare to help facilitate dialogue to ease the Zimbabwean political crisis. This organization was encouraged when, in his opening speech at the Summit as chair of SADC, Malawi President Bakili Muluzi stated: "We are very concerned about the worsening economy, the decline in the rule of law, and the spread of violence and

political instability in Zimbabwe”.<sup>1</sup> The statement, and the action by the regional heads of state, constituted a positive initiative to reverse the drift towards the indiscriminate political assaults that had emerged there.

At that Summit, the heads of state met with Zimbabwean government representatives as well as the political opposition, and heard presentations from some civil society groups although others such as the Crisis Conference Coordinating Committee, a coalition of leading Zimbabwean rights groups, were blocked by the Zimbabwean authorities from making presentations. At the conclusion of the Summit, South Africa President Thabo Mbeki, Botswana President Festus Mogae, Namibia President Sam Nujoma, Mozambique President Joaquim Chissano and a representative of Angola’s President Eduardo dos Santos had agreed to set up a SADC ministerial task force to monitor the results of multiparty dialogue in Zimbabwe. President Bakili Muluzi briefed journalists that the promised SADC ministerial task force would also monitor undertakings by the government to ensure that the rule of law would be upheld, and violence would be diminished.<sup>2</sup>

Amnesty International welcomed this announcement as an important step in regional action to monitor violence in Zimbabwe and -- through such monitoring -- persuade the Zimbabwean government not to condone nor sponsor political killings, “disappearances”, torture and intimidation by state agents or supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU -PF) party. Amnesty International noted that SADC statements and initiatives would remain key to resolving this human rights crisis.<sup>3</sup>

The initiative resulted in a SADC Ministerial Task Force on Developments in Zimbabwe visiting Zimbabwe from 10 to 12 December 2001. That delegation was chaired by Malawi’s Minister of Foreign Affairs Lilian Patel as the Chair of the SADC Council of Ministers, and included Botswana’s Minister of Foreign Affairs Mompoti Merafhe; Malawi’s Minister of Defence R.T.C. Munyenembe; Mozambique’s Minister of State Francisco Caetano Madeira; Namibia’s Deputy Minister of Foreign Affairs Tuliameni Kalomoh; and South Africa’s Minister of Labour Membathisi Mdladlana.

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<sup>1</sup> “African heads rebuke Mugabe: Zimbabwe faces Commonwealth wrath if it reneges on Abuja accord”, *The Guardian* (London), 13 September 2001.

<sup>2</sup> “MDC, ZANU-PF in secret talks”, *Financial Gazette* (Harare), 13 September 2001.

<sup>3</sup> Zimbabwe: Appeal to the European Union and the Commonwealth, AI Index AFR46/010/01, October 2001.

Compared to the rather stronger statements made at the SADC Summit in September 2001, the final communique from the SADC ministerial task force was sadly negligent in ignoring gross and widespread human rights violations in Zimbabwe. The ministers appeared to have looked the other way as -- in the month or two preceding their visit -- thousands of farm workers were displaced, the Zimbabwe Republic Police refused to comply with Magistrate and High Court orders to facilitate farming operations and prevent violent attacks, proposals were tabled in parliament to criminalize journalists critical of the government, journalists were arbitrarily detained, torture was widely reported by security forces and state-sponsored militia, and members of parliament were arrested on murder charges later found to be based on confessions extracted through torture by police.

Yet the SADC task force of ministers stated that they “welcomed the improved atmosphere of calm and stability”<sup>4</sup> and expressed their gratification to learn that “violence on the farms had reduced significantly, and that the few reported incidents were being dealt with under the criminal justice system, in accordance with the rule of law, irrespective of the political affiliation of the alleged perpetrators”.

In only the past few weeks, Amnesty International has received reports of at least 10 people killed in violent repression by state-sponsored militias, including the following incidents:

- ! On 20 December, **Milton Chambati**, 45, was stabbed to death and his head was hacked off by a group of about 50 suspected members of the Zanu PF Youth Brigade who had besieged Magunje town in northwest Zimbabwe, and started beating up opposition party members. Police have not arrested anyone in connection with the killing, and failed or refused to investigate the matter.
- ! On 21 December, ZANU-PF youth in Karoi stabbed to death **Titus Nheya**, 56, a veteran politician and trade unionist who had contested the Zvimba South parliamentary seat for the opposition. The group was reportedly led by a well known war veteran. When MDC reported the incident to the police, the war veteran was arrested but later released without charge. The case appeared to have been closed.
- ! Opposition political member **Rambisai Nyika** was killed December 24 in Gokwe, in western Zimbabwe, allegedly by militant supporters of ZANU-PF. To Amnesty International’s knowledge, no investigation into the killings has been carried out.
- ! Opposition activist **Laban Chiweta**, died in hospital on 26 December from burns and head injuries. National Youth Service members allegedly attacked him in the town of Trojan Mine near Bindura on 6 December. Opposition officials said the attack on

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<sup>4</sup> Final Communique of the SADC Ministerial Task Force on Developments in Zimbabwe, 10-11 December, Harare, 11 September 2001.

Chiweta and others took place in the presence of police officers who neither intervened nor arrested the assailants.

- !     On New Year's Eve, some 200 ZANU PF supporters organized into a militia stabbed to death Mr **Jena**, a schoolteacher in Shamva district of Mashonaland Central province. The mob first raided Kamujariwa village, where houses were burnt and villagers assaulted. Police did not intervene when called, and apparently have not taken steps to investigate the killing.
- !     **Trymore Midzi**, 24, died on 31 December at the Avenues Clinic in Harare after allegedly being stabbed on 29 December in Bindura by Zanu PF supporters and young trainees from the Border Gezi Youth Training Centre. Police have reportedly arrested suspects.
- !     **Moffat Soko Chivaura** was "disappeared" on Saturday 29 December 2001 in same incident in Bindura. He is feared dead after failing to escape from machete and club-wielding Zanu PF supporters who attacked the family of Trymore Midzi at the cemetery.

Amnesty International is concerned that further attacks on the Zimbabwean people have been perpetrated by militants trained at the government-sponsored Border Gezi youth training camp near Bindura, and two other similar training camps elsewhere. Hundreds of the National Youth Service members appear to be involved in the recent series of attacks on opposition party members. While the government has said the training camps are part of a national service programme, which sees recruits deployed around the country to engage in community service, Amnesty International has interviewed eyewitnesses who describe military training as being provided at the training camp.

Such military training and deployment of these ruling party supporters has resulted in many attacks in recent weeks, including:

- !     In the Harare suburb of Kuwadzana, about 100 members from the Border Gezi Training camp are alleged to have beaten up and harassed residents. Police officials stood by during the assaults on residents, who then banded together to defend themselves. Police are then alleged to have acted to protect the youth militia members from reprisals by their victims in the community.
- !     Reports from the town of Chinhoyi indicate National Youth Service brigade members were raiding shops and looting on 1 January. In some cases, the youths, with the assistance of war veterans, allegedly ended up selling the looted goods and pocketing the money.
- !     In the town of Mt Darwin, the militia from the Border Gezi Training Camp attacked the house belonging to MDC losing candidate for Mutoko South Derrick Mzira in Glen

Norah on 3 January, apparently smashing his furniture and looting food and personal belongings.

- ! In the town of Zaka in Masvingo Province, which has been declared by the government-supported militia of “war veterans” as an opposition party “No Go area”, local government Landrovers were reportedly used in coordinated attacks on New Year’s Eve against opposition party activists. Fifteen opposition political activists were hospitalized after severe beatings by militia members.
- ! So-called “war veterans” reportedly mounted roadblocks on New Year’s Eve on the road from the town of Nkayi to Bulawayo, and demanded travellers provide proof of their membership of ZANU PF. Several people were attacked, and some of them seriously injured, when they refused to buy Zanu PF party membership cards.
- ! In the town of Ruwa, east of Harare, and in the smaller town of Mabvuku outside of Harare, more than a 100 members of the Border Gezi youth training centre in Mt Darwin allegedly began beating dozens of residents on 28 December. They rampaged again on 2 January in Ruwa, indiscriminately beating up residents for allegedly supporting the political opposition.
- ! Citizens in Mberengwa, Midlands Province, fled their homes in early January in fear after 200 National Youth Service trainees from Mberengwa rural service centre arrived in their town. They appear to be taking orders from Biggie Chitoro, a ruling party activist in Mberengwa allegedly associated with human rights violations committed during the run-up to the June 2001 parliamentary elections. He is currently on bail, charged with the May 2000 murder of opposition official Kufazvinei Fainos Zhou. On 26 December, the National Service Youth Brigade members allegedly tortured three opposition members under his direction.

Amnesty International is also dismayed to learn that, despite this sharp escalation in violence in Zimbabwe and apparent partiality of the criminal justice system, the SADC ministerial task force still appears unwilling to confront the deepening human rights crisis in Zimbabwe. We are apprehensive about the reported statements by Malawi’s Minister of Foreign Affairs Lilian Patel, the chair of the SADC Council of Ministers, at a news conference in Malawi on 3 January 2002. In her remarks, she described the upcoming Summit as a discussion about fundraising for the inter-Congolese dialogue and not about Zimbabwe. “The Heads of State will not discuss the Zimbabwe situation because it is not a conflict but an internal problem,” she apparently told journalists.<sup>5</sup>

During this critical moment for Zimbabwe and the entire Southern African community of nations, the SADC ministerial task force should live up to its important responsibility given the significant influence that official SADC statements may have on the human rights situation in

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<sup>5</sup> Daily Times of Malawi, 4 January 2002.

that country. The potential threat of destabilization and lawlessness to the entire region -- and the international perceptions of Southern Africa that are created by Zimbabwe's flouting of international human rights standards basic to good governance -- make this a crucial issue for all the governments of the region.

Amnesty International believes that there could be a great impact on human rights if the SADC Heads of State sent a strong, clear message from its January 2002 Summit that state-sponsored violence in Zimbabwe cannot be tolerated by the community. We believe there should be a firm repudiation of the apparent Zimbabwean policy of promoting political repression through repressive laws, lawless militia and the unaccountability of Zimbabwe's army, police and security forces .

Amnesty International also calls upon the SADC Heads of State to discuss concrete means of independently and impartially monitoring the on-going loss of life, assaults and nationwide reports of torture, intimidation and forced displacement. On 28 October 2001, Zimbabwean civil society through the Crisis Conference Co-ordinating Committee meeting urgently requested SADC to assist in the creation of such an independent monitoring presence to investigate conflicting reports around the land invasions, rural violence and election-related intimidation.<sup>6</sup>

The human rights organization urges the SADC Presidents to create an on-going presence of SADC human rights monitors in Zimbabwe -- and thus follow through on earlier pledges to monitor the crisis in Zimbabwe. SADC has repeatedly reaffirmed that economic sanctions should not be enforced by the United States or the European Union and thus could propose such monitoring as a constructive alternative to the imposition of sanctions. Other international inter-governmental organizations, such as the Commonwealth and the European Union, could be approached to provide positive support for specific measures to create a monitoring mechanism in Zimbabwe through SADC, and its Organ on Politics, Defence and Security Co-operation.

The immediate creation and deployment of an on-going team of SADC monitors in Zimbabwe would be entirely appropriate with the Organ's stated objectives, among which is 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

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<sup>6</sup> "Reacting to the Zimbabwe Crisis", Crisis Conference Co-ordinating Committee, 28 October 2001.

Charters and Conventions of the OAU and the United Nations.”<sup>7</sup> Since its launch almost six years ago, the Organ has never been used to create a positive machinery to protect and promote human rights in the region. Amnesty International hopes that, with the redefinition of its mandate in 2001, the Organ will be given the capacity to play an vital role in Zimbabwe.

Some concern must be registered that, at the first meeting of the Committee of Ministers responsible for the SADC Organ of Politics, Defence and Security Co-Operation on 17 and 18 December 2001 in Angola, under the chairmanship of Mozambique, the assembled Ministers appeared to reaffirm the Communique of the Ministerial Task Force on Developments in Zimbabwe of 11 December 2001. The Committee of Ministers went further and “...noted with appreciation Zimbabwe's commitment to invite and welcome observers during the pre-election campaign period as well as the voting process. They also noted that this was a clear indication of the government's intention to ensure free and fair elections.”<sup>8</sup> Amnesty International has not seen any commitment to invite and welcome election observers in the pre-election campaign period. To the contrary, the passage on 10 January 2002 in the Zimbabwean parliament of a security bill giving the police excessive powers to criminalize peaceful public demonstrations and new election regulations that attempt to ban foreign and local independent monitors indicate that there is no commitment by the government to an open election process.

Creating and deploying a SADC human rights monitoring process in Zimbabwe would also be in keeping with the spirit of the earlier 11 - 16 July 1994 SADC Windhoek Resolutions, which began the debate that led to the creation of the Organ. In their debates during the Ministerial Workshop on Democracy, Peace and Security, the participants recommended to the Council of Ministers that a body be created and given the capacity to promote, monitor and enforce the already existing national, regional and international human rights instruments.

Amnesty International continues to receive reports that opposition parties are unable to organize, campaign, raise funds or otherwise operate -- but instead are forced to flee for their safety from their homes and constituencies. Although some reports indicate violence in retaliation by opposition party members, the majority of the perpetrators continue to be ruling party supporters and paid agents of the Zimbabwean government. Nor has Amnesty International received any indications that the ruling party is unable to operate or campaign in any region of the country.

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<sup>7</sup> Resolution on the SADC organ on Politics, Defence and Security, adopted June 1996, Gaborone, Botswana.

<sup>8</sup> Communique of the meeting of the committee of ministers for the SADC Organ on Politics, Defence and Security Co-operation, 17-18 December 2001, Luanda, Angola, 18 December 2001.

Therefore, the deteriorating human rights situation in Zimbabwe places in real jeopardy the possibility of free and fair elections taking place on 9 to 10 March 2002, and raises the spectre of larger, regional ramifications if the SADC community takes no action to curb the increasingly violent attempts by the Zimbabwean authorities to prevent the Zimbabwean people from peacefully expressing their political beliefs by voting in the presidential election without fear or intimidation.

Insisting that the Zimbabwe government honour its commitment to the SADC Parliamentary Forum Electoral Recommendations would go far in promoting a peaceful balloting in Zimbabwe, compatible with the fundamental principles of democracy and human rights which SADC aimed to champion in its founding principles.

We conclude by reiterating our call to the assembled SADC Heads of State and Government to send a strong message from their meeting, that the situation in Zimbabwe has grown worse, that Zimbabwean authorities should not allow human rights to be violated with impunity, and that SADC will monitor the situation more closely on the ground through a team of independent monitors with the aim of promoting the respect of fundamental human rights necessary for a free and fair election.