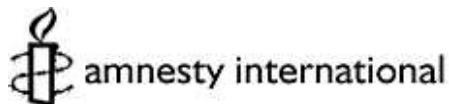


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Amnesty International Annual Report 2011 - Zimbabwe

Head of state and government: **Robert Mugabe**

Death penalty: **retentionist**

Population: **12.6 million**

Life expectancy: **47 years**

Under-5 mortality (m/f): **100/88 per 1,000**

Adult literacy: **91.4 per cent**

Police continued to arbitrarily arrest and detain human rights defenders and journalists undertaking legitimate human rights work. There was some loosening of restrictions on the media and Parliament debated a bill to reform the repressive Public Order and Security Act (POSA). Lesbian, gay, bisexual and transgender (LGBT) people faced persecution. The victims of the 2005 forced evictions continued to live in deplorable conditions with some being targeted for eviction or facing the threat of eviction.

Background

Tension within the government of national unity (GNU) continued to undermine the implementation of some aspects of the Global Political Agreement (GPA) brokered by the leaders of the Southern Africa Development Community (SADC) in September 2008. In August 2010, a meeting was held during the SADC summit in Namibia to break the deadlock within the GNU. Despite several trips to Zimbabwe by the SADC-appointed South African mediation team, there was little movement.

President Mugabe made several unilateral decisions that breached the provisions of the GPA and the Constitution requiring consultation with the Prime Minister. In March, he assigned ministerial functions, leaving some ministers affiliated to the two Movement for Democratic Change (MDC) parties without specific responsibilities. In October, President Mugabe reappointed 10 provincial governors, all from his party ZANU-PF, in breach of a prior agreement to share governorships. Other such decisions included the reassignment of ambassadors and the appointment of judges. The President also continued to refuse to swear in Roy Bennett of

the MDC party led by Prime Minister Morgan Tsvangirai as Deputy Minister of Agriculture.

ZANU-PF decided not to make further concessions in the GNU unless sanctions imposed by the EU and the USA were lifted. At its summit in August, the SADC decided to engage with the international community on the issue of sanctions.

Members of the Human Rights Commission, Zimbabwe Media Commission and Zimbabwe Electoral Commission were appointed in March although the Human Rights Commission had not started working by the end of the year.

The drafting of a new Constitution started with public consultations, although some meetings were abandoned because of violence and disruption mainly by supporters of ZANU-PF. At least one person died in Harare after being attacked by alleged ZANU-PF supporters in violence that followed the disruption of a constitutional consultation meeting in September. There was no progress in reforming the security sector.

The economy continued to show signs of improvement, although formal unemployment remained above 80 per cent and an estimated 1.5 million people were in need of food aid.

Statements about a possible election in 2011 by President Mugabe, Prime Minister Tsvangirai and the SADC facilitator, South African President Jacob Zuma, heightened tension in the country. In rural areas there were increased reports of harassment and intimidation of perceived opponents of ZANU-PF. State security agents, implicated in the 2008 political violence, were reported to be assisting ZANU-PF to rebuild its structures.

Human rights defenders

Police continued to arbitrarily arrest and detain human rights defenders and journalists for their legitimate human rights work. Human rights defenders involved in the Constitution-drafting process or engaged in debate on accountability for past human rights violations were specifically targeted. At least 186 members of Women of Zimbabwe Arise (WOZA) and Men of Zimbabwe Arise (MOZA) were arrested during 2010.

- On 25 January, 11 activists from MOZA and WOZA were arrested in Bulawayo after a peace march to hand in a report on education in Bulawayo. They were forcibly marched to the Drill Hall, beaten with batons by police and then released without charge.
- On 24 February, Gertrude Hambira, Secretary General of the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ), was forced to go into hiding and later to flee the country after six officers from the Criminal Investigation Department of the Zimbabwe Republic Police raided the GAPWUZ offices in Harare looking for her. Before the raid, on 19 February, Gertrude Hambira was summoned to a meeting at Police Headquarters in Harare with a panel of 17 high-ranking security officials from the police, army, air force and intelligence service. She was interrogated with two other union workers about a GAPWUZ report and video highlighting the plight of farm workers and ongoing violence on farms. She was threatened with imprisonment. By the end of the year she had not returned to Zimbabwe.
- Okay Machisa, National Director of the Zimbabwe Human Rights Association (ZimRights), temporarily fled the country after being detained by police on 23 March for his role in a photo exhibition about the 2008 political violence. Police confiscated at least 65 photographs from the exhibition, and only returned them to ZimRights following a High Court ruling. Despite the ruling, police in the towns of Masvingo, Gweru and Chinhoyi stopped similar exhibitions being shown. In Masvingo, ZimRights' regional chairperson Joel Hita was arrested, detained overnight and released on bail.
- On 26 March, Owen Maseko, an artist based in Bulawayo, was arrested after mounting

an exhibition which depicted atrocities in the Matabeleland region in western Zimbabwe during the 1980s. He was charged with "undermining the authority of the President", "inciting public violence" and "causing offence to people of a particular tribe, race, religion", under POSA. He was released on bail on 29 March.

- On 15 April, Jenni Williams, Magodonga Mahlangu, Clara Manjengwa and Celina Madukani, members of WOZA, were arrested by police while attending a peaceful demonstration in Harare against rising electricity prices. They were arrested along with 61 others, and were released after the Attorney General's Office refused to prosecute them.
- On 3 June, Farai Maguwu, director of the Centre for Research and Development (CRD) based in the town of Mutare, was arrested for exposing human rights violations by the security forces in the diamond fields of Marange. He was charged with "publishing or communicating false information prejudicial to the state" and remanded in custody until 12 July. On 21 October the government dropped the charges. Farai Maguwu was arrested after a meeting with Abbey Chikane, the Kimberly Process Certification Scheme monitor on Zimbabwe, reportedly in the presence of state intelligence officers.
- On 24 June, two members of the Independent Constitution Monitoring Project (ZZZICOMP), Godfrey Nyarota and Tapiwa Mavherevhedze, plus their driver Cornelius Chengu, were arrested in Mutare. They were charged with practising journalism without accreditation and released on bail. Another activist in Mutare, Eddy Ziyera, was detained for several hours without charge on 25 June after taking food to the three detainees.
- On 27 June, ZZZICOMP monitors Paul Nechishanu, Artwel Katandika and Shingairayi Garira were taken by ZANU-PF supporters to a farm in Makonde district (Mashonaland West province) where they were beaten with logs. Shingairayi Garira sustained injuries to his eardrum while Paul Nechishanu and Artwel Katandika suffered head injuries.
- On 20 September, 83 activists from WOZA and MOZA were arrested after police in Harare broke up a peaceful demonstration. The activists were part of an estimated 600 WOZA and MOZA members who had marched on Parliament protesting against police abuses and lack of safety in their communities. As police began arresting some demonstrators, others gave themselves up in solidarity. They were detained at Harare Central police station for two nights in filthy conditions before being charged with "criminal nuisance" and released on bail. On the same day, Jenni Williams, WOZA National Coordinator, was arrested and detained for several hours at Harare Magistrates court as she tried to identify released activists who needed medical assistance. She was accused of "addressing a gathering in court" and was only released after signing a caution statement under protest.
- In October, police attempted to revive a case against 14 WOZA activists who were arrested in May 2008 after attempting to hand over a petition at the Zambian embassy in Harare. However, only one of the 14 activists, Clara Manjengwa, received the summons. When she turned up at court on 21 October, there was no record of the case and it was not on the court register. There was no docket, no witnesses and even the police did not turn up. The Magistrate dismissed the case.

Freedom of expression, association and peaceful assembly

On 26 November, the Supreme Court ruled that the 2008 arrest and subsequent detention of Women of Zimbabwe Arise (WOZA) leaders Jenni Williams and Magodonga Mahlangu after a peaceful demonstration was wrongful and that their rights and fundamental freedoms had been violated. The court also ruled that the state had failed to protect the two human rights

defenders from abuse.

There was partial reform of the media, with the ending of the state monopoly on daily newspapers. In May, four independent daily newspapers were licensed by the Zimbabwe Media Commission, including *the Daily News* which was banned in 2002. However, there was no progress in licensing private broadcasters.

In February and October, a private member's bill to amend POSA was debated in Parliament. The bill, introduced by MDC-T Member of Parliament, Innocent Gonese, in November 2009, sought to amend sections of the POSA that have been used to curtail freedom of association and peaceful assembly. If it became law, the bill would limit police powers to arbitrarily ban demonstrations, and would enhance police accountability by requiring them to report to the Minister of Home Affairs and assembly organizers when force was used.

Rights of lesbian, gay, bisexual and transgender people

On 21 May, police raided the offices of the Gays and Lesbians of Zimbabwe (GALZ) organization in Harare and arrested two employees, Ellen Chademana and Ignatius Mhambi. They were held until 27 May when they were granted bail. The two GALZ employees were charged with possessing prohibited materials. They were both acquitted – Ignatius Mhambi in July and Ellen Chademana in December.

Forced evictions

May marked the fifth anniversary of the 2005 mass forced evictions known as Operation Murambatsvina. Five years on, the government failed to provide effective remedies for survivors living in appalling conditions on plots of land allocated by the government under Operation Garikai/Hlalani Kuhle – the government's programme to re-house some of the victims of Operation Murambatsvina.

In most of the settlements, survivors were still living in worn-out shacks which had been provided as temporary shelter by humanitarian organizations. They often had no access to clean water, sanitation, health care, education or means of livelihood. The majority of the survivors of Operation Murambatsvina also lost their livelihoods during the mass forced evictions that directly affected 700,000 people.

- In Hopley settlement, one of the Operation Garikai settlements in Harare, the health risks for pregnant women and newborn babies were increased by dire living conditions and lack of access to basic services including adequate health care. Survivors reported a high incidence of neonatal mortality, and said that contributing factors included lack of maternal and newborn health care services, prohibitive user fees and lack of transport for women in labour.

Survivors of Operation Murambatsvina were also at risk of further forced eviction by the authorities.

- In June, about 3,000 leaseholders and their families, an estimated 15,000 to 20,000 people, at Hatcliffe Extension were threatened with eviction by the Ministry of Local Government, Urban and Rural Development if they failed to renew their leases by 30 September. Most of the families could not afford the renewal fees. The threat of eviction was withdrawn by the government after mass appeals by Amnesty International and national human rights organizations who assisted some of the affected people to take legal action.
- On 25 August, about 250 people living at an informal settlement in Harare's affluent Gunhill suburb were forcibly evicted by police without prior notice. Armed police with dogs arrived at the settlement at about midnight and ordered the community out of their

dwelling. Victims reported that police only gave them about 10 minutes to remove their belongings before setting them on fire. Some possessions were burnt after their owners failed to remove them in time. Police arrested 55 people, including five children, and detained them at Harare Central police station. They were held for several hours before being released without charge following intervention by lawyers. No reason was given for the police action. The community was forcibly evicted despite written assurances that this would not happen by the mayor of Harare in December 2009. The mayor denied involvement in the August evictions.

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