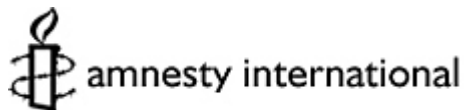


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	67
Land:	Zimbabwe
Kilde:	Amnesty International.
Titel:	Annual Report 2010 – Zimbabwe
Udgivet:	28. maj 2010
Optaget på baggrundsmaterialet:	16. juni 2010

Title	Amnesty International Report 2010 - Zimbabwe
Publisher	Amnesty International
Country	Zimbabwe
Publication Date	28 May 2010
Cite as	Amnesty International, <i>Amnesty International Report 2010 - Zimbabwe</i> , 28 May 2010, available at: http://www.unhcr.org/refworld/docid/4c03a7ef1a.html [accessed 16 June 2010]



Amnesty International Report 2010 - Zimbabwe

REPUBLIC OF ZIMBABWE

Head of state and government: Robert Mugabe

Death penalty: retentionist

Population: 12.5 million

Life expectancy: 43.4 years

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

Adult literacy: 91.2 per cent

The human rights situation improved slightly with the setting up of a unity government in February. However, harassment and intimidation persisted of human rights defenders, political activists and supporters of the Movement for Democratic Change (MDC-T) led by Prime Minister Morgan Tsvangirai. Scores of people perceived to be critics of the former ruling Zimbabwe African National Union (ZANU-PF) were targeted for arrest. State institutions controlled by ZANU-PF continued to target perceived political opponents, putting strain on the fragile unity government. Tensions within state institutions fuelled attacks on MDC-T activists in rural areas as well as on some commercial farms.

The economy showed the first signs of improvement since the crisis began in 2000. The Zimbabwe dollar was scrapped and hard currencies such as the US dollar and South African rand were used instead. This brought inflation under control and improved availability of food in shops. However, many poor households had no access to foreign currencies and could not afford fees for education and health care. Intervention by humanitarian agencies led to health facilities and schools reopening; most had closed in 2007.

Background

On 27 January, Southern African Development Community (SADC) leaders held an extraordinary summit in South Africa to try to break the political impasse in Zimbabwe that followed the signing of the Global Political Agreement (GPA) on 15 September 2008. The three parties to the GPA – ZANU-PF, MDCT and the MDC led by Arthur Mutambara – had reached a deadlock over the allocation of key ministries.

Following the SADC intervention, Morgan Tsvangirai was sworn in as Prime Minister on 11 February with two deputies – Arthur Mutambara of the MDC and Thokozani Khupe of the MDC-T. Other members of the unity government were sworn in on 14 February. However, the unity government remained fragile mainly due to President Mugabe's refusal to implement parts of the GPA. ZANU-PF argued that the MDC-T had not done enough to lobby for the end of targeted sanctions imposed by the EU and the USA. In October, the MDC-T boycotted three cabinet meetings in protest over delays in implementing the GPA. The MDC-T only resumed attending cabinet meetings after a SADC-convened summit on 5 November. The summit gave the parties 30 days to resume dialogue to resolve the impasse. By the end of the year, none of the major issues had been resolved.

Victims of the 2005 mass forced evictions continued to live in deplorable conditions.

Freedom of expression, association and assembly

Suppression of human rights defenders and perceived political opponents of ZANU-PF persisted. Scores of human rights and political activists were arrested and charged after exercising their rights.

The Attorney General's office continued to invoke Section 121 of the Criminal Procedures and Evidence Act (CPEA) to prolong the detention of human rights defenders and political activists who would normally have been granted bail. Section 121 allows a further seven days in detention to allow the state to lodge an appeal with a higher court.

- At least 18 political prisoners were held on what were believed to be trumped-up charges brought by the former ZANU-PF government. On 2 March, Jestina Mukoko and Broderick Takawira were bailed and released after spending three months in custody. Thirteen others were subsequently released on bail. Three – Gandhi Mudzingwa and Kisimusi Dhlamini, both MDC-T officials; and Andriison Manyere, a journalist – were granted bail on 9 April. The authorities opposed the bail but failed to file an appeal within the seven-day period stipulated by Section 121 of the CPEA. The three were released on 17 April only to be redetained within days by police. Gandhi Mudzingwa and Kisimusi Dhlamini remained in hospital receiving treatment for injuries sustained by torture in custody. They were finally granted bail on 13 May and released. All the detainees needed treatment as a result of torture and other ill-treatment in custody.
- The trial of Jestina Mukoko and 17 other victims of abduction in 2008 started at the beginning of the year. However, on 28 September the Supreme Court ordered a permanent stay to the criminal prosecution against Jestina Mukoko on the grounds that state security agents had violated her constitutional rights.
- Seven members of Women of Zimbabwe Arise (WOZA), all of them women, were arrested in Bulawayo on 17 June and denied access to their lawyers after participating in a peaceful demonstration. The next day, while Amnesty International's Secretary General was holding a press conference at the Meikles Hotel in Harare, four WOZA activists, a cameraman from the state-owned Herald newspaper and an independent journalist were arrested and beaten by police about 50 metres from the hotel. The WOZA activists were denied access to medical treatment as a punishment for their activism and detained overnight. The independent journalist and cameraman were released the same day.
- On 5 August, four student leaders from the Zimbabwe National Students Association – Clever Bere, Kudakwashe Chakabva, Archieford Mudzengi and Brian Rugodo – were arrested at the University of Zimbabwe for distributing T-shirts. They were charged with contravening the Criminal Law (Codification and Reform Act) by participating in a gathering with intent to promote public violence, breach of the peace and "bigotry". They were released on bail on 7 August.
- On 25 October, Cephas Zinhumwe, the Executive Director of the National

Association for NGOs (NANGO), and Dadirai Chikwengo, NANGO board chairperson, were arrested in the town of Victoria Falls after NANGO convened a workshop for NGO directors. The two were released on bail on 27 October charged with contravening the Public Order and Security Act (POSA) for allegedly failing to notify the regulating authority of an intention to hold a "public political gathering". They were acquitted on 25 November.

- On 28 October, Thulani Ndhlovu and Nnodana Ndhlovu from the Zimbabwe Election Support Network were arrested in Dete, Hwange District. They were charged under the POSA for holding meetings allegedly without police clearance. Nnodana Ndhlovu was released on the day of arrest, while Thulani Ndhlovu was released on bail on 30 October.
- On 8 November, Lovemore Matombo, President of the Zimbabwe Congress of Trade Unions (ZCTU), together with four other ZCTU activists – Michael Kandukutu, Percy Mcijo, Dumisani Ncube and Nawu Ndlovu – were arrested in the town of Victoria Falls after holding a trade union meeting. They were charged under the POSA for organizing what the state alleged was an illegal meeting. They were released on 12 November when the case was dismissed by a magistrates' court.
- On 20 November, 32 activists from Gweru appeared before a magistrates' court. They had been arrested in December 2008 after participating in a peaceful demonstration and charged under the POSA. However, when they were summoned to court, the charges were changed to destruction of property and chanting insults against President Mugabe.

Harassment of lawyers and judicial officers

Harassment and intimidation continued of lawyers representing human rights and political activists, and of court officials.

- On 14 May, Alec Muchadehama, a lawyer who was representing journalist Andriison Manyere and two MDC-T officials, was arrested at the magistrates' court in Harare by police officers from the Law and Order Section. He was charged with defeating or obstructing the course of justice for "unlawfully causing the release" of Kisimusi Dhlamini, Gandhi Mudzingwa and Andriison Manyere by misinforming and misdirecting High Court officials. He was detained overnight. He was acquitted on 10 December. In a related case, Constance Gambara, the High Court clerk who facilitated the temporary release of the three detainees, was arrested on 6 May on charges of criminal abuse of public duty. She was granted bail on 8 May, but the state invoked Section 121 of the CPEA and she remained in custody with her nine-month-old baby. She was released on 14 May after the state withdrew its appeal against bail. She was also acquitted on 10 December.

Impunity

No meaningful measures were taken to bring to justice perpetrators of serious human rights violations during the state-sponsored violence and torture of political opponents of ZANU-PF in the run-up to the second round of the presidential elections in June 2008. At least 200 people were killed and over 9,000 injured in the violence. A few isolated prosecutions were recorded. The Organ on National Healing created by the government did not prioritize bringing the perpetrators to account, nor did the Ministries of Defence and Home Affairs see the need for urgent institutional reform to combat impunity. Throughout 2009, elements within the army, police and intelligence services felt able to continue targeting human rights activists and members of the MDC-T for human rights violations.

The Attorney General's office was either unwilling to investigate alleged human rights violations or was complicit in them.

Torture and other ill-treatment

Torture and other ill-treatment of detainees persisted. No perpetrators were brought to justice.

- In September the Supreme Court of Zimbabwe ruled among other things that Jestina Mukoko (see above) had been tortured by state security agents who abducted and held her incommunicado in December 2008. Despite this, no investigation was carried out.
- At least 95 soldiers were arrested in October in Harare on suspicion of breaking into an armoury at Pomona barracks and stealing 21 guns. They were reportedly tortured while being interrogated by members of the Central Intelligence Organization, Military Intelligence Corps and Military Police. At least two of them died as a result of the injuries sustained. One was reported to have committed suicide while in solitary confinement. Pascal Gwezere, a transport manager for the MDC-T who was charged with the same offence, was detained by state security agents from his home in Harare on 27 October and tortured. He was denied access to medical treatment. He was released on 24 December on bail after the Supreme Court upheld an earlier bail ruling by the High Court.

Manfred Nowak, the UN Special Rapporteur, was barred from entering Zimbabwe on 28 October. The government withdrew the invitation two days earlier on the grounds that an SADC delegation was in the country assessing the performance of the unity government.

Justice system – independence of the judiciary

Magistrates' courts found themselves under pressure after passing decisions not favourable to the Attorney General's office. The lower courts came under increased pressure in cases against MDC-T officials and human rights defenders, often seeing judicial officers themselves facing trumped-up charges at the instigation of the Attorney General's office. The charges were intended to instil fear among judicial officers, undermining their independence and impartiality.

- Livingstone Chipadze, Manicaland acting regional magistrate, was arrested in March after he granted bail to Roy Bennett, MDC-T treasurer-general. He was accused of "criminal abuse of office" after sanctioning the release of Roy Bennett from remand, and detained for several days in deplorable prison conditions before being released on bail. On 4 August the charges against him were dismissed.
- Chioniso Mutongi, a magistrate who was presiding over the trial of human rights lawyer Alec Muchadehama, resigned on 3 November. She alleged that she had been harassed by prosecution authorities after she convicted judicial officer Andrew Kumire of contempt of court and sentenced him to five days in prison. Andrew Kumire walked out of court and was later granted bail by another magistrate in unexplained circumstances. The conviction of Andrew Kumire was later confirmed by the High Court on review. Chioniso Mutongi received several anonymous threatening telephone calls and said that she had not received protection from the Chief Magistrate's Office.

Death penalty

At least seven people were sentenced to death in 2009, bringing the number of people on death row at the end of the year to at least 52.

Amnesty International visits/reports

- Amnesty International delegates visited Zimbabwe in March, May, June and

October. In June, Amnesty International's Secretary General visited Zimbabwe and met senior government officials, including Vice President Joice Mujuru, and Minister of Defence Emmerson Mnangagwa, AU and EU diplomats as well as human rights defenders and survivors of human rights violations. In July, the Secretary General met Prime Minister Morgan Tsvangirai in the UK.

- Zimbabwe: A five point human rights agenda for the inclusive government (AFR 46/009/2009)
- Zimbabwe: Moving from words to action (AFR 46/025/2009)

Copyright notice: © Copyright Amnesty International
