



January 2008

country summary

## Zimbabwe

In 2007, Zimbabwe descended further into political and economic chaos as President Robert Mugabe's Zimbabwe African National Union—Patriotic Front (ZANU-PF) intensified its stranglehold on power. With annual inflation reaching 8,000 percent in September, life for ordinary Zimbabweans had become a struggle to meet basic needs. The government continues to severely restrict the political opposition, media, and nongovernmental organizations. Torture in police custody is common, as is the harassment and arrest of journalists and human rights defenders.

The arrest and brutal assault of over 50 opposition and civil society activists during a prayer meeting on March 11, 2007, marked yet another low point in the country's seven-year crisis. There has been renewed international concern, but continuing divisions and lack of decisive leadership from regional powers, has done little to help improve the human rights situation in the country.

While there has been considerable concern that presidential and parliamentary elections scheduled for March 2008 might not be free and fair, ZANU-PF and the two factions of the opposition Movement for Democratic Change (MDC) reached an agreement over proposed constitutional changes to the election laws in September 2007 during South African-led mediation talks.

### Freedom of Assembly

In 2007, hundreds of civil society activists and opposition members were arbitrarily arrested during routine meetings or peaceful protests against social, economic and human rights conditions.

On February 21, 2007, in response to opposition attempts to hold rallies launching their election campaigns, the government imposed a three-month ban on political rallies and demonstrations in Harare. Police argued that the rallies would lead to a

breakdown in law and order and political violence. Then, on March 11, 2007, police violently prevented a prayer meeting in Highfields township organized by the MDC and the Save Zimbabwe Campaign—a broad coalition of church and civil society organizations. More than 50 opposition members and civil society activists were arrested on their way to the meeting, including the leaders of the two MDC factions, Morgan Tsvangirai and Arthur Mutambara. Many were beaten in police custody, sustaining severe injuries including fractured skulls, broken bones and severe bruising that required hospitalization. The government has done little to address torture in Zimbabwe's prisons and police cells, and such incidents are rarely investigated.

### **Freedom of Expression and Information**

Intimidation, arbitrary arrest, and criminal prosecution of journalists continue to seriously limit freedom of expression and information. Several of the journalists who tried to report on the events of March 11, 2007 and its aftermath were arrested, including independent journalist Gift Phiri, who was reportedly tortured in police custody. He was released on bail after four days, and charged with practicing without a license and "abusing journalistic privilege." On the day of the March prayer meeting itself, police assaulted photojournalist Tsvangirai Mukhwazi and held him in custody for three days, even though he had the required media accreditation. Four days later, police severely beat another photographer and his brother in Glenview, Harare when they attempted to take pictures of a group of people at a shopping mall mourning the death of an opposition activist.

In August 2007, the government introduced the Interception of Communications Act which threatens to further restrict the rights of Zimbabweans to privacy, information and expression. The law allows the government to intercept emails; and monitor telephone calls, the internet and postal communications. There are serious concerns that the law could be used to target human rights activists, journalists, trade unionists, and other government critics.

## **Police Use of Excessive and Lethal Force**

On several occasions police have used tear gas to disperse demonstrations, beaten protestors with batons and rifle butts and even fired on peaceful protestors. In 2007 MDC member Gift Tandare was killed when police opened fire on unarmed demonstrators during clashes with the police in the immediate aftermath of the March 11 prayer meeting. The following day, police opened fire on mourners at Tandare's funeral and two MDC supporters were seriously injured. On April 7, 2007, armed police reportedly stormed the home of opposition member Philip Katsande and shot him three times in the arms and chest.

After the shootings, Philip Alston, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, called on the government to immediately halt the use of lethal force against unarmed political activists. So far, the police have not investigated any of the shootings.

## **Human Rights Defenders**

Human rights defenders, especially lawyers, are often subjected to intimidation, death threats, arrest and beatings by the police and intelligence officers. For example on May 4, 2007, human rights lawyers Alec Muchadehama and Andrew Makoni were arrested and held for three days after submitting papers to the High Court on behalf of an opposition activist.

On May 8, 2007, a group of lawyers, including Beatrice Mtetwa, president of the Zimbabwe Law Society, gathered outside the High Court in Harare to protest the unlawful arrest of Muchadehama and Makoni. Mtetwa and several others were arrested, forced into a police truck, driven to a secluded area and beaten with batons.

Police assaulted lawyer Harrison Nkomo on March 11 when he tried to secure the release of an opposition member who had been arrested in connection with the March prayer meeting.

## Impunity

Government officials implicated in rights violations have by and large escaped prosecution. On several occasions in 2007 police failed to comply with judicial orders to investigate allegations of torture and other abuses committed by their own personnel. In any case, there is currently no independent mechanism within the police force to deal with such allegations. Political manipulation of the police and judiciary and the obstruction of human rights organizations have also contributed to a climate of impunity.

## Elections

Parliamentary and presidential elections are scheduled for March 2008. In September 2007, the government tabled the Constitution of Zimbabwe Amendment No. 18 Bill, which, among other things, harmonizes parliamentary and presidential elections, sets the election date, establishes a presidentially-appointed human rights commission, and provides for an electoral college consisting of the Senate and House of Assembly to elect a successor in the event that a President resigns, dies or is removed from office.

At first, the opposition contested the Bill, arguing that it would merely deliver an electoral advantage to the ruling party. However, during South African-led negotiations in Pretoria, both factions of the MDC accepted the proposed amendments in the bill. At this writing, South African-led negotiations between the two parties over other aspects of the elections, including further reform of electoral laws and the political climate, were ongoing.

Even so, there are serious concerns over whether the forthcoming elections will be free and fair. Impunity that perpetrators of political violence enjoy in Zimbabwe conveys the message that violence in the run-up to and the aftermath of the 2008 elections will also go unpunished. During the 2005 parliamentary elections, Human Rights Watch documented numerous abuses, including widespread political intimidation, the use of repressive laws to limit voters' rights to freedom of expression, association and assembly, and electoral irregularities.

## Key International Actors

International actors are divided over how to address the Zimbabwe crisis. The United States, the European Union and Australia have consistently condemned the human rights situation, but many African governments have refrained from doing so publically, stating that they are exerting pressure through quiet diplomacy. However, this does not appear systematic and sustained, or to be securing a response from President Mugabe's government that improves human rights. So far Mugabe appears to have largely managed to persuade regional governments that his government has been the victim of excessive and selective western attention. African governments are also critical of western assertions that the situation in Zimbabwe amounts to a threat to international peace and security, and have objected to Zimbabwe's situation being addressed at the UN Security Council.

The arrest and beating of the opposition leadership and civil society activists on March 11, 2007, has drawn widespread public condemnation from western governments including the United States and the United Kingdom. UN Secretary-General Ban Ki-Moon also criticized the government's actions. African leaders were typically less vocal, although some, such as President John Kufour of Ghana expressed concern at the mounting political unrest. A statement from the chairperson of the commission of the African Union (AU) Alpha Oumar Konare, also called for the respect for human rights in Zimbabwe.

The Southern Africa Development Community (SADC), which is well positioned to exert pressure on the government of Zimbabwe, has so far extracted no concrete concessions on human rights from Mugabe's government. On March 28, 2007, SADC member states convened an extraordinary summit in Dar es Salaam, Tanzania to address the Zimbabwe crisis. Despite high hopes, the summit's final communique made no mention of the arrests and beatings of opposition members and supporters, civil society activists and ordinary Zimbabweans. Instead, SADC mandated President Thabo Mbeki of South Africa to mediate talks between the ruling party and the opposition.

The abuses have continued, and at the SADC annual summit in August 2007, leaders once again failed to establish concrete measures for addressing the human rights

crisis in Zimbabwe. The degree to which South Africa's and SADC's response to the situation leads to improvements in respect for human rights is a significant test for the effectiveness of regional leadership in support of international human rights standards.

Meanwhile, in February 2007 the EU extended its travel sanctions on President Mugabe. In September British Prime Minister Gordon Brown threatened to boycott a December EU-AU Summit in Portugal—which currently holds the EU presidency—if President Mugabe was invited and allowed to travel to Portugal. The AU on the other hand, insisted that all African Presidents should be invited to the summit, and threatened a similar boycott if President Mugabe was not invited. In October, German Chancellor Angela Merkel appeared to back the AU position. She described the situation in Zimbabwe as “disastrous,” but insisted that it was necessary to discuss the matter “in the presence of each and everyone.”

At a Germany/European partnership with Africa conference in November, Nigerian president Umaru Yar'Adua reconfirmed the AU's stance, arguing that President Mugabe's attendance at the EU-AU summit should not be made an issue. However, President Yar'Adua went on to express concern at the human rights situation in Zimbabwe stating that what was taking place in the country was “not in conformity with the rule of law.”