

**Public**

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To: Health Professional Network  
From: Health and Human Rights Team  
Date: 6 July 2007

### **Torture, ill-treatment and denial of medical care Zimbabwe**

(For more information see: AFR 46/017/2006, 12 September 2006; AFR 46/005/2007, 22 March 2007; AFR 46/004/2007 22 March 2007; AFR 46/007/2007, 28 March 2007; AFR 46/001/2007, 12 March 2007, AFR 46/015/2007, 9 May 2007)

#### **Summary:**

Members of Zimbabwean civil society organisations and opposition political parties have been tortured and ill-treated by officers of the Zimbabwe Republic Police (ZRP) over recent months. Human rights activists have been arbitrarily arrested whilst participating in peaceful demonstrations, and whilst in police custody hundreds have been tortured and experienced other forms of ill-treatment at the hands of the ZRP, including beatings. Scores of activists have sustained injuries as a result and often require medical treatment. However, police have repeatedly denied them access to medical treatment.

AI believes that denial of medical treatment is being used by police as a form of additional ill-treatment and is in contravention of nationally and internationally recognised standards of human rights and policing.

The Zimbabwean government has failed to investigate reported ill-treatment, including denial of medical care and excessive use of force by the police against human rights defenders exercising the right to peaceful assembly and freedom of association.

#### **Background:**

Torture and other ill-treatment of government critics, and denial of medical care as a form of punishment are part of a pattern of harassment by the police. The cases detailed below are merely a few recent examples of the many Amnesty International has documented since 2003.

## **Case 1: Women of Zimbabwe Arise (WOZA)**

### **6 June 2007**

On 6 June 2007, seven members of WOZA were arbitrarily arrested and detained after engaging in a peaceful protest in Bulawayo. The women were reportedly beaten by riot police who were trying to disperse the peaceful protestors. Two of those detained were also reportedly beaten while in police custody.

Five of the women were charged under Section 46 of the Criminal Law (Codification and Reform) as read with Section 2(v) of the schedule to the Criminal Code<sup>1</sup> and released on 8 June. The remaining two, WOZA leaders, Jenni Williams and Magodonga Mahlangu, were charged under Sections 37 (1a)<sup>2</sup> and 46 (2v) of the Criminal Law (Codification and Reform) Act and released on 9 June.

One of the women alleged that whilst she was in custody, several police officers beat her with baton sticks, including across her breasts. Additionally, according to the detained women, police officers had thrown bucket loads of water into the cells each day, forcing them to spend time on wet concrete, despite it being late autumn. The seven women were only given two blankets between them. Jenni Williams and Magodonga Mahlangu had no blankets on their last night in custody. None of the activists were able to access medical treatment until they had been released.

### **29 November 2006**

On 29 November 2006, WOZA members were arbitrarily arrested in Bulawayo while engaged in a peaceful march to commemorate International Women Human Rights Defenders Day. Several women sustained severe injuries from police action. A woman in her sixties and a baby both sustained injuries to the legs after being assaulted by riot police. More than 30 demonstrators were arrested and detained. Most of the detained people had sustained injuries and were denied access to medical care while in police custody.

## **Case 2: Save Zimbabwe Campaign**

### **11 March 2007**

On 21 February 2007 police announced a three-month ban on rallies and demonstrations in Harare South District and the Harare suburb of Mbare. Following the police bans, the Save Zimbabwe Campaign, a coalition of church and civil society organizations, called for a prayer meeting in Highfield, Harare, on 11 March 2007 to protest the police ban. Police clamped down on the gathering before it had even started, arresting about 50 activists and shooting dead Gift Tandare, an activist from the National Constitutional Assembly. The protestors, including leaders of the opposition Movement for Democratic Change (MDC) and other civil society organisations, were severely beaten during arrest and later tortured while in police custody at Machipisa police station. Several suffered multiple fractures and soft tissue injuries and most were denied access to medical care whilst they were in custody. Following their release many of them had to be hospitalized. The Zimbabwe Association of Doctors for Human Rights (ZADHR), one of the organisations working with victims of violence in

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<sup>1</sup> This prohibits any person employing “any means whatsoever which are likely materially to interfere with the ordinary comfort, convenience, peace or quiet of the public or any section of the public, or does any act which is likely to create a nuisance or obstruction.”

<sup>2</sup> This prohibits any person “who acts together with one or more other persons present with him or her in any place or at any meeting with the intention or realizing that there is a real risk or possibility of forcibly disturbing the peace, security or order of the public or any section of the public.”

Zimbabwe, stated that in the case of one of the leaders beaten, Morgan Tsvangirai, who they examined medically, the delay in providing medical treatment led to the aggravation of his medical condition.<sup>3</sup>

Grace Kwinjeh and Sekai Holland, who were reportedly tortured by police following the events of 11 March 2007, were prevented from seeking further medical attention in South Africa. On Saturday 17 March police prevented the injured women from boarding an air ambulance. They were taken from Harare International Airport to Harare Central police station and their travel documents were confiscated before the ambulance was instructed to take Kwinjeh and Holland back to hospital where they were placed under armed police guard.

### **Case 3: Zimbabwe Congress of Trade Unions (ZCTU)**

#### **13 September 2006**

On 13 September 2006, 15 members of the ZCTU, including President Lovemore Matombo, First Vice-President Lucia Matibenga and Secretary General Wellington Chibebe, were arrested in Harare after attempting to engage in a peaceful demonstration. They were severely assaulted during arrest. The Solidarity Peace Trust, a non-governmental organisation based in South Africa, captured the arrest of the ZCTU members on film. The footage clearly shows the police using excessive force as they load the demonstrators, who are not resisting arrest, into a police van.

They were detained at Matapi police station and were systematically tortured. Doctors confirmed that the ZCTU activists were beaten on the soles of the feet – a torture method called *falanga* which leaves many victims with life-long problems with walking. Whilst in detention, the ZCTU members were not allowed to receive medical treatment for the injuries that were inflicted by state agents.

On the same day, in the farming town of Chegutu, 11 members of a ZCTU affiliate union, the General Agricultural and Plantations Workers' Union (GAPWUZ), were arrested after handing over a petition at a government office. They were taken to Chegutu Police Station and reportedly tortured while in police custody over a three-day period. They were made to lie on the stomach and were beaten on the soles of the feet while held in leg irons and handcuffs. The 11 trade unionists were later charged under the Public Order and Security Act (POSA) and granted bail. They only obtained medical treatment after their release from custody.

### **Violation of international human rights standards**

Zimbabwe has ratified the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights (African Charter). The two human rights standards outlaw torture.

- Article 7 of the *ICCPR* states that '[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'
- Article 5 of the *African Charter* states that '[a]ll forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.'

In addition:

- Section 15 (1) of the *Zimbabwe Constitution* states that '[n]o person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.'

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<sup>3</sup> ZADHR, 'Nature of injuries of tortured civil society activists and opposition party leaders', March 14, 2007

- Principle 24 of the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* states that a ‘proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.’
- Article 5 of the UN *Code of Conduct for Law Enforcement Officials* states that ‘[n]o law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment’. Article 6 states that ‘[l]aw enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.’
- Article 4 of the Southern African Regional Police Chiefs Co-operation Organization [SARPCCO] *Code of Conduct for Police Officials* states that ‘[n]o police official under any circumstances, shall inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment to any person’. Article 5 states that ‘[p]olice officials shall ensure the protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.’

**Required action:**

Please write to the following:

1. **Police Commissioner**
2. **Officer in Charge of the Law and Order Section of the Criminal Investigations Department**

Some or all of the cases mentioned above could be cited in your letters.

3. **Officer Commanding Harare Province**

Please cite the cases of the ZCTU members tortured at Matapi police station and the case of the MDC activists tortured at Machipisa police station.

4. **Officer Commanding Bulawayo Province**

Please cite the case of WOZA members beaten in Bulawayo.

In the letters you write, please include the following points:

- Introduce yourself as a health professional from [name of your country] gravely concerned at the ill-treatment of members of civil society organisations and opposition parties by the Zimbabwean Republic Police, and of the denial of medical care to those in custody as a form of punishment.
- Urge the recipient of your letter to ensure that police officers under his/her command protect citizens from torture and other ill-treatment as specified in the Zimbabwean Constitution, the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights.
- Urge them to ensure that the Zimbabwean Republic Police operate in a manner consistent with the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) Code of Conduct for Police Officials in upholding the rights of all individuals in their custody.

- Urge them to ensure that police take immediate action to secure medical care for those in their custody, whenever required, as specified in Article 6 of the UN Code of Conduct for Law Enforcement Officials and Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
- Call on the ZRP to respect the rights of human rights defenders including recognising their right to peaceful assembly and freedom of association.

**5. Please also write to the chair of your medical association:**

Request that they write to the addresses suggested expressing grave concern at the denial of medical treatment to detainees and urging the targets to ensure that the Zimbabwean Republic Police uphold nationally and internationally recognised human rights standards toward detainees including the provision of medical care. Ask them to write (or send a copy of their letter) to the Zimbabwe Medical Association (ZIMA). You could suggest that they ask ZIMA to express concerns to the government about violations of human rights and especially denial of medical care.

**Addresses for appeals:**

Please note that sending faxes to Zimbabwe can be very difficult and takes a lot of perseverance. It is easier to send letters.

**Police Commissioner Augustine Chihuri**

Zimbabwe Republic Police  
Police Headquarters  
PO Box 8807  
Causeway  
Harare, Zimbabwe  
Fax: +263 4 253 212  
Salutation: Dear Commissioner

**Officer-in-Charge of the Law and Order Section of the Criminal Investigations Department**

CID Headquarters  
Box CY34  
Causeway  
Harare  
Zimbabwe  
Fax: +263 4 253 212  
Salutation: Dear Officer-in-Charge,

**Officer Commanding Police – Harare Province**

P O Box CY 154, Harare  
Zimbabwe

Fax: +263 4 754176/ 753 501  
Salutation: Dear Provincial Commanding Officer,

**Officer Commanding Police – Bulawayo Province**

P O Box 701, Bulawayo  
Zimbabwe

Fax: +263 9 65763  
Salutation: Dear Provincial Commanding Officer,

**Zimbabwe Medical Association**

Zimbabwe Medical Association

P.O. Box 3671

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Zimbabwe

Tel. (+263-4) 791553

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