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FREEDOM NOW

**MEDIA RELEASE**

**For Immediate Release**  
February 28, 2011

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**FREEDOM NOW RETAINED BY ZIMBABWEAN HUMAN-RIGHTS ACTIVISTS  
CHARGED WITH TREASON BY UNITY GOVERNMENT**

**Immediate Appeal Filed to UN Special Rapporteur on Torture**

Washington – Freedom Now announced today it has been retained by Munyaradzi Gwisai and 44 other human-rights activists, who have been charged with treason by the unity government of Zimbabwe, to serve as their international counsel. It immediately filed a petition to the UN Special Rapporteur on Torture, attached to this media release, on their behalf.

The 45 detainees were arrested on February 19, 2011, during a meeting they were holding at Cross Roads House in Harare, Zimbabwe, where they had gathered to participate in a seminar entitled “Revolt in Egypt and Tunisia. What lessons can be learnt by Zimbabwe and Africa.” Munyaradzi Gwisai, a former Movement for Democratic Change parliamentarian, organized the meeting. He is now a law lecturer at the University of Zimbabwe and the coordinator of the Zimbabwean chapter of the International Socialist Organisation.

“This case shocks the conscience,” said Jared Genser, President of Freedom Now. “To arrest these 45 people for having attended a single meeting to discuss current events in Egypt and Tunisia is surprising. But charging them with treason, where each faces the death penalty, and then, given the lack of evidence in the case, horrendously torturing many of them to persuade some to become state witnesses is deplorable,” he added. Genser further noted “This is especially offensive given that democratic forces within the unity government, including Prime Minister Morgan Tsvangirai, have been silent about the arrests and are therefore complicit in these actions.”

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*Our mission is to free prisoners of conscience through focused legal, political and public relations advocacy efforts.*



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## FREEDOM NOW

VIA EMAIL [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

February 28, 2011

Mr. Juan E. Méndez  
Special Rapporteur on Torture  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10  
Switzerland

RE: Torture of Munyaradzi Gwisai, *et al.* in Zimbabwe

Dear Mr. Méndez,

I am writing on behalf of our clients, Munyaradzi Gwisai, and 44 others, named in the model questionnaire attached below, many of whom have been and continue to be tortured or threatened with torture by Government of Zimbabwe agents.

All were initially detained at a peaceful meeting held at Cross Roads House, 43 Julius Nyerere Way, in Harare, Zimbabwe, on February 19, 2011, where they had gathered to participate in a seminar entitled “Revolt in Egypt and Tunisia. What lessons can be learnt by Zimbabwe and Africa.” These discussions were protected by their rights of freedom of expression and association as guaranteed in Articles 20 and 21 of the Constitution of Zimbabwe as well as Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), to which the Government of Zimbabwe acceded on May 13, 1991.

Since their arrest, the detainees have been held without bail and all been charged with treason, subjecting them to the death penalty, and alternatively with subverting constitutional government. As will be described in more detail, given the lack of evidence against them, Zimbabwean security agents have conducted torture sessions with a dozen of the detainees with the aim of turning some of them into state witnesses. This torture consisted of assaults all over the detainees’ bodies, under their feet and buttocks through the use of broomsticks, metal rods, pieces of timber, open palms, and some blunt objects. They were then denied all denied medical treatment for their injuries. Those not tortured have been threatened with torture if they do not become state witnesses.

Such conduct is in flagrant violation of Section 15(1) of the Constitution of Zimbabwe, which states “[n]o person shall be subjected to torture or to inhuman or degrading punishment or other such treatment,” Article 7 of the ICCPR, as well as the *jus cogens* prohibition against torture.


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While this treatment would be abhorrent under any circumstances, it is especially disturbing given the Government of Zimbabwe is a “unity” government, whose coalition includes not only President Robert Mugabe, Leader of the Zimbabwe African National Union – Patriotic Front (ZANU-PF), but others such as Prime Minister Morgan Tsvangirai, President of the Movement for Democratic Change – Tsvangirai (MDC-T). The Prime Minister’s complicity in the torture of these detainees by his ongoing participation in the Global Political Agreement and his failure to speak out against on end these abuses by security forces is especially disturbing.

Given the credible information providing in the model questionnaire that many in this group of individuals has been tortured and is at continued risk of being tortured, I would respectfully request that in accordance with your working methods that you immediately reach out to the Government of Zimbabwe to urge it to ensure the physical and mental integrity of the detainees.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Genser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jared Genser, Esq.

## **Model questionnaire to be completed by persons alleging torture or their representatives**

Information on the torture of a person should be transmitted to the Special Rapporteur in written form and sent to:

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Although it is important to provide as much detail as possible, the lack of a comprehensive accounting should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information:

a. Full name of the victims;

Munyaradzi Gwisai, Antonator Choto, Tatenda Mombeyarara, Michael Sozinyu, Eddson Chakuma, Hopewell Gumbo, Welcome Zimuto, Phillip Magaya, Prolific Simbarashe Mataruse, Godknows Biya, David Mupatse, Douglas Muzanenhamo, Ganizani Nunu, Reki Jimu, Josphat Chinembir, Strutton Nyaya Muhambi, Trevor Chamba, Clarence Mugari, Munyaradzi Maregedze, Willie Tinashe Hlatswayo, Ian Muteto, Tinashe Muzambi, Tinashe Mutazu, Pride Evidence Mukono, Lenard Kamwendo, Tinashe Chisaira, Trust Munyama, Peter Garanewako, Elizabeth Chipso Makume, Megline Malunga, Daison Bango, Malvern Hobwana, Tashinga Mudzegi, Ednar Chakabalika, Thokozile Mathe, Francisca Thompson, Masline Zvomuya, Nhamo Kute, Annie Chipeta, Tabeth Chideya, Charles Mubwandarikwa, Thomas Chibaya, Fatima Manhamo, Blessing Muguzayaya, and Robert Muhlaba.

b. Date on which the incident(s) of torture occurred (at least as to the month and year);

February 2011.

c. Place where the person was seized (city, province, etc.) And location at which the torture was carried out (if known);

Harare, Zimbabwe, at the Harare Central Police Station.

d. Indication of the forces carrying out the torture;

Zimbabwe police and security forces.

e. Description of the form of torture used and any injury suffered as a result;

A dozen of the detainees were subjected to torture sessions were administered through assaults all over the detainees' bodies, under their feet and buttocks through the use of broomsticks, metal rods, pieces of timber, open palms and some blunt objects. Among the same group, six detainees received a series of lashes which were administered while they lay down on their stomachs, receiving between 15-20 lashes each.

f. Identity of the person or organization submitting the report (name and address, which will be kept confidential).

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Additional sheets should be attached where space does not allow for a full rendering of the information requested. Also, copies of any relevant corroborating documents, such as medical or police records should be supplied where it is believed that such information may contribute to a fuller accounting of the incident. Only copies and not originals of such documents should be sent.

Please also see reports attached from *The Zimbabwean*, New York Times, Human Rights Watch, and Amnesty International.

### **I. Identity of the person(s) subjected to torture**

See above for all names. Each of the detainees is engaged in non-governmental organizations and have been long-time non-violent advocates for freedom, human rights, and democracy in Zimbabwe.

### **II. Circumstances surrounding torture**

#### **A. Date and place of arrest and subsequent torture**

The detainees were arrested on February 19, 2011, during a meeting they were holding at Cross Roads House, 43 Julius Nyerere Way, in Harare, Zimbabwe, where they had gathered to participate in a seminar entitled “Revolt in Egypt and Tunisia. What lessons can be learnt by Zimbabwe and Africa.”

The meeting was organized by Munyaradzi Gwisai, a former Movement for Democratic Change parliamentarian. He is now a law lecturer at the University of Zimbabwe and the coordinator of the Zimbabwean chapter of the International Socialist Organisation.

The detainees were subsequently charged with treason under Section 20 of the Criminal (Codification and Reform) Act [Chapter 9:23] or alternatively “attempting to overthrow the government by unconstitutional means” under Section 22(2)(a)(i) of the Criminal Law (Codification and Reform) Act.

B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)

Police and security forces.

C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?

Yes. Shortly after the arrest.

D. Describe the methods of torture used

See e. above.

E. What injuries were sustained as a result of the torture?

The injuries are unknown as the detainees were denied access to medical care. But as an illustration, Munyaradzi Gwisai said the pain which he endured and suffered as a result of the torture sessions was “indescribable, sadistic, and a tragedy for Zimbabwe.”

F. What was believed to be the purpose of the torture?

The torture is aimed at persuading several of the group to serve as state witnesses for the treason charges leveled at all the detainees in exchange for leniency in their cases.

G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?

The detainees have been denied all medical treatment.

H. Was appropriate treatment received for injuries sustained as a result of the torture?

N/A.

I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?

N/A.

J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

N/A.

### **III. Remedial action**

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?

Complaints have been lodged by the domestic counsel to the detainees, Alec Muchadehama, but there have yet to be any results.

### **IV. Information concerning the author of the present report:**

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## *The Zimbabwean*

### Gwisai narrates torture ordeal

Written by ZLHR

Friday, 25 February 2011 17:28



HARARE - Detained social justice activist Munyaradzi Gwisai (*pictured*) on Thursday 24 February 2011 lamented the torture sessions to which suspects are subjected by state security agents as tragic and inexpressible.

Gwisai, who testified before Harare Magistrate Munamoto Mutevedzi during an application for refusal of placement on remand for the 45 human rights activists filed by defence lawyer Alec Muchadehama disclosed in court that he, together with other activists, were subjected to torture sessions during their detention by the police at Harare Central Police Station.

Gwisai said the torture sessions were aimed at securing confessions from the activists which would implicate them in the commission of treason, a charge which they are facing in court.

In narrating his ordeal, Gwisai said he was tortured together with five other detainees in a room in the basement at Harare Central Police Station by nine state security agents who included some police officers who had arrested them.

During the torture sessions, which were recorded on video, the detainees were asked to recount what had transpired during their meeting which was held on Saturday 19 February 2011 in central Harare.

Gwisai said each of the six detainees received a series of lashes which were administered while they lay down on their stomachs. He added that he received between 15 and 20 lashes as the police and his tormentors sought to obtain confessions from him and the other detainees.

Gwisai said the pain which he endured and suffered as a result of the torture sessions was "indescribable, sadistic and a tragedy for Zimbabwe".

The University of Zimbabwe labour law lecturer said it was extremely difficult for him to sit and walk because of the torture sessions he underwent together with other detainees.

Gwisai said the meeting held on Saturday was held to discuss ISO business and issues of democracy and constitutionalism and not to plot the toppling of the government as alleged by the police and prosecutors. He added that the meeting which was attended by HIV/AIDS activists was also meant to commemorate the life of a deceased HIV and AIDS activist, Navigator Mungoni.



Earlier on Muchadehama outlined the detainees' complaints against the police.

The detainees' lawyer said the arrest of his clients was unlawful as they were not advised of the reason/s for their arrest. He also advised that they were over-detained in filthy and stinking police cells. He said the detainees only knew of the treason charge when they finally appeared in court on Wednesday 23 February 2011 and no warned and cautioned statements were recorded in relation to the treason charge.

Muchadehama told the court that the police extensively subjected his clients to severe interrogation sessions where they attempted to coax some of the detainees to turn against their colleagues and be considered State witnesses.

He said some of the detainees were assaulted, brutalised and tortured while in police custody. The defence lawyer said the torture sessions were administered through assaults all over the detainees' bodies, under their feet and buttocks through the use of broomsticks, metal rods, pieces of timber, open palms and some blunt objects.

In his application for refusal of remand Muchadehama argued that the facts as outlined by the State did not constitute the commission of an offence.

The matter continues on Monday 28 February 2011 when prosecutor Edmore Nyazamba, who applied for the placement of the detainees on remand, cross examines Gwisai. In the meantime, all 45 will remain incarcerated in remand prison in Harare and at Chikurubi Women's Prison for the women detainees.

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*New York Times*

February 21, 2011

Arrests in Zimbabwe for Seeing Videos

By CELIA W. DUGGER

JOHANNESBURG — Dozens of students, trade unionists and political activists who gathered to watch Al Jazeera and BBC news reports on the uprisings that brought down autocrats in Tunisia and Egypt have been arrested on suspicion of plotting to oust President Robert Mugabe of Zimbabwe.

James Sabau, a spokesman for the police force, which is part of the security services controlled by Mr. Mugabe's party, was quoted in Monday's state-controlled newspaper as saying that the 46 people in custody were accused of participating in an illegal political meeting where they watched videos "as a way of motivating them to subvert a constitutionally elected government."

The evidence seized by the police included a video projector, two DVD discs and a laptop.

Lawyers for the men and women in custody said they had not yet been formally charged but had been advised that they might be accused of "attempting to overthrow the government by unconstitutional means," a crime punishable by up to 20 years in prison.

Mr. Mugabe, who turned 87 on Monday, and his party ruled Zimbabwe single-handedly from 1980 until 2009, when regional leaders pressured him into forming a power-sharing government with his longtime political rival, Morgan Tsvangirai, after a discredited 2008 election. Mr. Tsvangirai withdrew from a June runoff that year to protest state-sponsored beatings of thousands of his supporters. An estimated 350 people died in the violence.

“The illegal meeting’s agenda, Inspector Sabau said, was ‘Revolt in Egypt and Tunisia: What lessons can be learnt by Zimbabwe and Africa?’ ” the state-controlled Herald reported.

Inspector Sabau found the topic incriminating, but many Zimbabweans have been asking themselves that very question as democratic revolutions have swept Arab nations. Like former President Hosni Mubarak of Egypt, Mr. Mugabe is an octogenarian autocrat in power for three decades. And also like Mr. Mubarak, he has used the state security services to harass, jail and torture his opponents.

But there are differences as well. The United Nations recently found Zimbabweans to be among the world’s poorest people, often making mere survival an all-consuming task. They also have less access to the Internet than Egyptians, depriving them of one of the tools that helped organize the mass protests in Cairo.

And while the army in Egypt did not side with Mr. Mubarak when his people rose up against him, most analysts assume that the leadership of Zimbabwe’s military would try to crush any such movement — though such an effort would also severely test the loyalty of impoverished soldiers to their military commanders.

Nonetheless, some of Mr. Mugabe’s most influential opponents have also criticized Mr. Tsvangirai’s leadership, arguing that the people power in north Africa offers an example for Zimbabweans to resist Mr. Mugabe’s rule.

“Indeed, the single most important lesson from Tunisia and Egypt is that we as Zimbabweans are our own liberators,” Trevor Ncube, owner of three independent newspapers in Zimbabwe and The Mail & Guardian in South Africa, wrote this week in The Mail & Guardian. Mr. Ncube added later, “The world will only help us when we stand up and fight for our freedom and reclaim our country from Mugabe and the arrogant clique around him.”

Munyaradzi Gwisai, a lecturer at the University of Zimbabwe’s law school, was an organizer of the gathering, which took place on Saturday and allowed activists who had no Internet access or cable television to see images from the uprisings in Tunisia and Egypt.

Alec Muchadehama, a human rights lawyer who met Mr. Gwisai at the Harare Central police station, said detainees told him that Mr. Gwisai was one of seven people in custody who were beaten with truncheons at the police station. Mr. Muchadehama, who often represents arrested journalists and activists, said Mr. Gwisai and others at the meeting were not plotting the government’s overthrow, but were engaged in “an academic debate about what was happening in Tunisia and Egypt.”

A socialist and iconoclast whose wife said he was expelled from Mr. Tsvangirai's Movement for Democratic Change in 2002 for supporting an aggressive land reform program at a time when Mr. Mugabe's party was encouraging violent seizures of white-owned commercial farms, Mr. Gwisai, like many of his countrymen, has been watching the unrest in Arab nations.

His wife, Shantha Bloemen, who works for the United Nations in Johannesburg, said: "Obviously, all the happenings in Egypt and Tunisia have been taking center stage. The meeting was an opportunity to discuss what's happened, especially for people who don't have access to the Internet or cable TV, both to express solidarity and to discuss the implications for Zimbabwe."

As Mr. Mugabe's party pushes for elections this year in a drive to reclaim sole power, human rights groups have warned that the police and youth militia aligned with Mr. Mugabe's party have intensified harassment, beatings and arrests of Mr. Mugabe's political opponents. The revolts in North Africa appear to have made Mr. Mugabe's inner circle nervous — and the arrests were a sharp warning to those emboldened by them, they said.

"This is a message that 'If you attempt anything, we're going to arrest you, assault you, incarcerate you, lay false charges against you, deny you bail, and occupy you with false trials,'" Mr. Muchadehama said. "That's the message — 'Don't attempt this, it can't be done here.'"

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## **Human Rights Watch**

### **Zimbabwe: Free Activists Charged for Viewing Mideast Video**

#### **Authorities Intensify Repression Ahead of Elections**

February 24, 2011

The Zimbabwe authorities should immediately free the activists and drop these outrageous charges. Arresting people for watching a video on the historic events in the Middle East is a transparent pretext to block peaceful criticism of the government.

Daniel Bekele, Africa director at Human Rights Watch

(Johannesburg) - Authorities controlled by the Zimbabwe African National Union- Patriotic Front (ZANU-PF), the dominant party in Zimbabwe's power-sharing government, should drop politically motivated charges and release activists arrested for viewing a video on events in Egypt and Tunisia, Human Rights Watch said today. The 46 people were arrested on February 19, 2011.

In recent weeks, the authorities have stepped up their intimidation of civil society activists and attacks against perceived government opponents. The attacks and intimidation underscore the need for human rights improvements before the national elections proposed for this year, Human Rights Watch said.

"The Zimbabwe authorities should immediately free the activists and drop these outrageous charges," said Daniel Bekele, Africa director at Human Rights Watch. "Arresting people for watching a video on the historic events in the Middle East is a transparent pretext to block peaceful criticism of the government."

The February 19 arrests took place after police raided an academic meeting in Harare at which a video on events in Tunisia and Egypt was shown. The police confiscated computers and other equipment and arrested everyone there, including Munyaradzi Gwisai, a labor activist, and Hopewell Gumbo, a social justice activist. A relative of one of the arrested activists who was able to speak to him while he was in custody told Human Rights Watch that he said the police beat some of those arrested during their first two days in custody.

Forty-five of the 46 activists were formally charged either with treason or with attempting to overthrow the government by unconstitutional means. Conviction for treason under the law, section 20 of the Criminal Law (Codification and Reform) Act, carries a penalty of life in prison or death. Conviction for attempting to overthrow the government by unconstitutional means, section 22(2) (a)(i) of the Criminal Law (Codification and Reform) Act, carries a penalty of up to 20 years in prison. Lawyers informed Human Rights Watch that they were initially denied access to those detained.

Since President Robert Mugabe declared that ZANU-PF, his party, was ready to hold elections this year, attacks around the country by ZANU-PF against supporters of the Movement for Democratic Change (MDC), led by Prime Minister Morgan Tsvangirai, have increased. ZANU-PF and the two factions of the MDC share power in the current government.

Credible sources from civil society informed Human Rights Watch that in recent months, ZANU-PF youth have attacked scores of people, mainly MDC supporters, in the high-density neighborhoods of Harare, as well as areas outside of Harare such as Chitungwiza, Gutu, and Bikita. Local civil society organizations alleged that the police were arresting the victims of the violence - many of whom are from the MDC - instead of the perpetrators, who they say are mainly from ZANU-PF.

Over several days of violence in early February, several MDC supporters were injured and some hospitalized as a result of attacks by alleged ZANU-PF youth in Mbare. Police later arrested 19 MDC supporters and accused them of inciting the violence. They were eventually released on bail. On February 15, in a separate incident, police arrested an MDC Member of Parliament, Douglas Mwonzora, in Harare and 23 others in Nyanga, Manicaland province, on charges of public violence. Police accused them of assaulting ZANU-PF supporters during a meeting in Nyanga.

A local magistrate in Nyanga granted Mwonzora and the others bail on February 21, but the prosecutor invoked section 121 of the Criminal Procedure and Evidence Act, which allows the state to appeal to suspend bail for 7 days pending further investigations. Mwonzora and the others remain in police custody. Local civil society organizations informed Human Rights Watch that they believed the charges against Mwonzora and the others were trumped up and designed to intimidate MDC members.

"All parties to Zimbabwe's power-sharing government should be condemning this dangerous intensification of violence and prosecuting those responsible without regard to their party membership," Bekele said. "Arresting the victims adds insult to injury and encourages more violence."

Police have also arrested, intimidated, and harassed members of local human rights organizations. For example, on February 8, police arrested two employees of the Zimbabwe Human Rights NGO Forum in the Highfields neighborhood in Harare as they tried to conduct a survey on transitional justice. They were taken to Machipisa police station and later released without charge.

On the following day, police summoned the director of the group, Abel Chikomo, and questioned him for six hours at Machipisa and Harare Central Police stations about the organization's activities, including its involvement in the research project on transitional justice. Police also raided and searched the group's offices.

On February 9, six unidentified men, believed to be from the Central Intelligence Organization, raided the offices of the Youth Forum in Harare. The Youth Forum has a campaign encouraging youth to register to vote during elections. The men demanded to know why the Youth Forum was encouraging youths to register to vote and later left the offices.

The Southern African Development Community (SADC), the intergovernmental body that has played a leading role in dealing with the political crisis in Zimbabwe, should intensify efforts to press for an immediate improvement in human rights conditions, Human Rights Watch said.

"SADC leaders should recognize that the increased violence in Zimbabwe in recent months is likely to worsen prior to elections unless they act quickly and forcefully to push for an end to abuses," Bekele said.

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## **Amnesty International**

### ***Zimbabwe treason charges an attack on freedom of expression***

25 February 2011

Amnesty International today expressed shock that at least 45 Zimbabwean activists have been charged with treason and could face the death penalty following their arrest at a lecture on the protests in North Africa.

Mr Munyaradzi Gwisai, a former opposition parliamentarian, and 44 social justice, trade union and human rights activists were arrested by police on Saturday as they were attending a lecture entitled *Revolt in Egypt and Tunisia. What lessons can be learnt by Zimbabwe and Africa.*

"This is a clear over-reaction by the state to an event in which the participants were exercising their legitimate right to freedom of expression which the government of Zimbabwe must guarantee under national and international law," said Michelle Kagari, Amnesty International's deputy director for Africa.

Amnesty International is also alarmed by reports that at least seven of the activists, including Munyaradzi Gwisai, were beaten by security agents while in custody and called on the government to investigate the allegations.

“The safety of detainees remains a serious concern as the Law and Order Section at Harare Central Police station has become notorious for the torture and ill-treatment of activists in their custody,” said Michelle Kagari.

“These persistent abuses demonstrate the need for urgent reform of Zimbabwe's security sector to bring to an end a culture of impunity for human rights violations and partisan enforcement of the law.”

Defence lawyers told Amnesty International they had been denied the opportunity to consult their clients and they were only informed of the charges facing the activists minutes before they were brought before the court.

The proceedings were adjourned following protests from the lawyers and are expected to resume Monday.

Amnesty International is also concerned about reports that prison officers at the Magistrates court in Harare prevented the defence lawyers from taking instructions from their clients before they were transferred to Harare Remand Prison and Chikurubi Maximum Security Prison.

“This restriction of the right of the activists to access their lawyer is unnecessary and throws serious doubts on the likelihood the detainees will receive a fair trial,” said Michelle Kagari.

“The police continue to selectively apply the law in favour of President Robert Mugabe's ZANU-PF party.”

Last month ZANU-PF supporters carried out attacks against opposition supporters in Harare's suburb of Mbare, but to date, the police have not arrested anyone.