



12 MARCH 2007

INFORMATION ALERT

**ZLHR LAWYERS DENIED ACCESS TO OPPOSITION LEADERS AND
CIVIL SOCIETY ACTIVISTS**

Zimbabwe Lawyers for Human Rights (ZLHR) outrightly condemns the flagrant disregard of fundamental rights, police brutality and other despicable conduct by law enforcement agents who have denied lawyers access to their clients since yesterday morning. The detainees include numerous leaders of opposition parties and civic society activists who were arrested on Sunday 11 March whilst attempting to attend the Save Zimbabwe Campaign prayer meeting which was to be held in Highfield at Zimbabwe Grounds.

More than thirty people were arrested at around 1100hours on 11 March 2007 and taken to Harare Central police station. The detainees included Arthur Mutambara, St Mary's MP Job Sikhala, Morgan Changamire, Frank Chamunorwa, Linos Mushonga, Godfrey Gumbo, and Clever Kafero (all office-bearers from the Mutambara-led MDC), together with Mike Davies (Chairperson of the Combined Harare Residents Association), Madock Chivasa (Spokesperson for the National Constitutional Assembly), and Gladys Hlatswayo (Information Officer for the Crisis Coalition).

Morgan Tsvangirai was arrested together with other members of the Tsvangirai-led MDC, including MP Tendai Biti, MP Nelson Chamisa, Sekai Holland, and Grace Kwinjeh. ZLHR member, Harrison Nkomo attempted to gain access to Tsvangirai, but was denied entry into Machipisa police station where Tsvangirai was alleged to be held. Nkomo was beaten on the left shoulder with a baton stick before being forced to leave Machipisa police station and his client/s.

Lawyers, including ZLHR Acting Director Irene Petras, Otto Saki, Andrew Makoni, Alec Muchadehama, Charles Kwaramba and Harrison Nkomo, who attempted to attend to clients at 1400hours at Harare Central police station, had initially been granted access to the detainees. The Officer in Charge, Law and Order, Detective Inspector Mavunda instructed the six lawyers to return at 1600hours as the detainees had not yet been processed and the charges to be preferred were still unclear.

When they returned to Harare Central at 1600hours, the lawyers were denied access to the police station by armed uniformed police who stated that they were acting on instructions from their superiors. Attempts to

provide food to the detainees were fruitless at 1700hours, and they were told to return at 1800hours. At this time, they were informed by Detective Inspector Mavunda that all detainees had been removed to Southerton police station. However, lawyers who had just returned from there had been told by the Officer Commanding Harare South District that all detainees had been taken to Harare Central. This indicates clear bad faith and obstruction by the highest law enforcement authorities in Harare.

Machipisa Police Station was also inaccessible due to heavy police presence and road blocks.

It has also subsequently emerged through instructions provided to Irene Petras by Honorable Tendai Biti, who she managed to access at Rhodesville police station at 1300hours on 12 March 2007 with ZLHR lawyer Rangu Nyamurundira, that all those who had been held at Machipisa police station had been removed after thorough assaults and torture by police there to Harare Central police station the previous day at between 1500hours and 1600hours when lawyers were attempting to gain access to the station and were being told that no detainees were being held there at that time.

Detective Inspector Mavunda eventually relented, and admitted that they were holding 19 people of those initially detained at Harare Central. Lawyers were denied access to their clients, but were allowed to leave food with police at the entrance to the cells at around 1900hours on 11 March. A list of names can be provided on request.

As at 2200hours on 11 March 2007, when an urgent *habeas corpus* application was being finalised by Beatrice Mtetwa (seeking production before the courts of all persons detained in connection with the Save Zimbabwe prayer meeting) people had been separated were being held in at least 15 police stations throughout Harare, including Harare Central, Southerton, Machipisa, Warren Park, Rhodesville, Highlands, Borrowdale, Avondale, Mabvuku, Matapi, Hatfield, Braeside and Chitungwiza police stations. The urgent application was filed at the High Court at around 2230hours on 11 March 2007.

On 12 March 2007 lawyers continued their attempts to gain access to various detainees scattered around Harare. Save for Rhodesville police station where Tendai Biti is being held with four (4) others, all detainees were denied access to their lawyers and to much-needed emergency medical treatment. Biti was subjected to severe assaults by police at Machipisa and described a scene of torture of detainees, including Tsvangirai, Sekai Holland, Grace Kwinjeh, Elton Mangoma, and Nelson Chamisa, which is beyond comprehension.

Grace Kwinjeh was removed from Machipisa, via Harare Central, to Braeside police station. She was brutally assaulted at Machipisa and has lost a portion of her ear after being assaulted with a metal rod. She continues to be denied medical treatment together with others in custody with her. Lawyers and medical doctors were denied access to her by the

Officer in Charge, despite seeing her outside the cells, and in obvious pain.

Arthur Mutambara and Sekai Holland are being held at Avondale police station, where Irene Petras and Otto Saki were denied access to them this morning, although police officers accepted food on their behalf. Lovemore Madhuku and Job Sikhala were seen at Marlborough police station by Petras and Saki around 1100hours this morning. Madhuku confirmed that he was taken to Parirenyatwa Hospital at around 0400hours this morning for treatment. He has a broken arm in a cast, bandages over his head and a swollen face from assaults suffered at Machipisa. Both he and Biti confirmed the serious torture of detainees, particularly Tsvangirai, who has not been seen by lawyers, private doctors or family since his arrest. Lawyers Saki, Muchadehama, Makoni, Mugabe and Chimbga attended Goromonzi police station after reports that Nelson Chamisa and Mike Davies were being held there, but were told that no people were being held there. Their whereabouts therefore remain unclear. Attendances at Southerton police station today confirmed the presence of Crisis Coalition employee Rashid Mahir, and Sydney Chisi from the Youth Democracy Initiative of Zimbabwe.

The urgent chamber application has been set down before Justice Bhunu at 1800hours today, 12 March 2007, and covers all people currently in custody throughout Harare.

ZLHR is extremely concerned at the actions of the police and the unlawful obstruction by Officers in Charge of the various police stations, to both legal representation and medical assistance. Police have in the past moved detainees from one police station to hide the fact that they are torturing them in apparent disregard of agreed international standards against torture. Police should recognise as stated in the United Nations Convention Against Torture that "torture is a punishable offence and a crime under international law".

ZLHR condemns this conduct by the police and reminds them that their role is the protection not the oppression of the people of Zimbabwe. Police should uphold the following internationally acceptable standards of treatment of untried prisoners as prescribed in the Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

- a) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
- b) An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.
- c) For the purposes of his defence, an untried prisoner shall be allowed ...to receive visits from his legal adviser with a view to

his defence and to prepare and hand to him confidential instructions.

-ENDS-