

LEGAL RESOURCES FOUNDATION

Statement on Recent Arrests and Physical Attacks on Civil Society Leaders

The Legal Resources Foundation condemns in the strongest possible terms, the reprehensible conduct of the Zimbabwe Republic Police and the condonation of such conduct by the Government of Zimbabwe over the last few weeks, and particularly since Sunday 11 March. The matters complained of include:

- **The shooting by the police of an unarmed man in Highfield on Sunday 11 March**, when civil society activists and opposition political parties attempted to have a prayer meeting for Zimbabwe under the banner of the Save Zimbabwe Campaign. The use of live ammunition in the circumstances was uncalled for and must be presumed to have been deliberate. In a normal society the police do not use live ammunition against citizens and residents exercising their democratic right to freedom of assembly and expression. [*Constitution of Zimbabwe, Article 21*]
- **The banning of all political meetings for a period of three months.** The law gives no general authority to the Minister of Home Affairs to do this. The Public Order and Security Act [*Chapter 11:17*] only entitles the regulating authority (i.e. the officer commanding a police district), if he believes on reasonable grounds that the normal powers vested in the police to regulate public gatherings will not be sufficient to prevent public disorder being occasioned by the holding of public demonstrations or any class of public demonstrations in the area under his command or any part of that area, he may issue an order prohibiting, for a period not exceeding three months, the holding of all public *demonstrations* or any class of public *demonstrations*. In other words, the authorities are only entitled, in very limited circumstances, to ban demonstrations. There is no general power to ban meetings. It cannot be truthfully said in respect of every single police district in the country that there is any reasonable need to prohibit all demonstrations for three months. By arrogating to themselves the powers which they do not legally possess, the authorities are themselves causing or at least contributing to a tense situation and thus to unnecessary loss of life, as well as trampling on the constitutional rights of the people of Zimbabwe to assemble freely for the purpose of expressing their opinions.
- **The arrest of leading civil society activists and the leadership of the opposition.** It is not at all clear what offence these people are alleged to have committed. What is known is that they attempted to attend a prayer meeting for the country at Zimbabwe Grounds, in Highfield. It is unbelievable that people who are concerned about their country should be arrested, assaulted and tortured simply for daring to exercise their Constitutional right to assemble and pray for their country.
- **The assault and torture of all the civil society activists and political leaders who were arrested by the police.** The use of assault, torture and other forms of violence against people in police custody is in contravention of the Constitution of Zimbabwe [*Article 15*], the Police Service Charter and all known human rights norms. Many of the people who were arrested sustained serious injuries, and some of them were denied medical attention and treatment after they had been tortured and assaulted. This is abhorrent in any society, let alone one which claims to be a democracy.
- **The refusal by the police to allow access to the arrested people by their legal practitioners and their families until so ordered by the courts.** [*in contravention of the Constitution of Zimbabwe, Article 18*] It appears the police are being used by

the Government to fight its political battles with its rivals. This is unacceptable and indicative of a Government that has absolutely no respect for human rights and is not even attempting to adhere to common standards of decency and morality.

We condemn in very strong terms the manner in which state authority is being abused to further the interests of the ruling party and we call upon the Attorney-General to prosecute those members of the police who perpetrated the acts of violence.

14 March 2007