

**STATEMENT ON THE ABDUCTION AND TORTURE OF MOVEMENT FOR DEMOCRATIC CHANGE-
ALLIANCE (MDC-A) OFFICIALS**

18 May 2020

1. Section 243 (1) (d), (e) and (f) of the Constitution of Zimbabwe provides that the Zimbabwe Human Rights Commission has the mandate to receive and investigate complaints of violation of human rights and administrative justice from the public. The Commission also has the power to conduct investigations on alleged violation of human rights and fundamental freedoms, at its own initiative.
2. Through its own initiative, the ZHRC commenced investigations on the alleged abduction and torture of three female MDC Alliance members who went missing on 13 May 2020 and were later found in Bindura on Friday, 15 May 2020. On Saturday, the 16th May 2020, the ZHRC interviewed a representative of the MDC-Alliance, the party to which the abductees are affiliated and also made a fact-finding hospital visit at Parktown Hospital in Waterfalls in Harare to ascertain the facts of the matter.
3. Investigations are still underway and the Commission is still to interview some key witnesses and informants. Further information will be shared once the full scale investigations have been finalised. However, even at this preliminary stage the ZHRC is categorical that this violence against women runs parallel to the right to peaceful existence as enshrined in Article 10 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol). The Maputo Protocol emphasises that every woman has the right to human dignity and is entitled to respect for her life, integrity and security of person. It also calls for punishment of the perpetrators of violence against women.
4. In line with provisions in the Maputo Protocol, Section 51 of the Constitution of Zimbabwe provides that every person, including women have the right to dignity. The survivors' right to personal security is also at stake and in addition, Section 52 of the Constitution provides for freedom from all forms of violence from public or private sources.
5. Preliminary investigations have not yet ascertained the identities of the alleged abductors but the Commission condemns in the strongest terms such heinous acts of enforced disappearances, torture or cruel, inhuman or degrading treatment or punishment as well as all other forms of violence against women, which are prohibited by Section 53 of the Constitution.
6. From the preliminary investigation, the Commission noted that the enforced disappearance of the three MDC-A officials removed them from the protection of the law. The International Convention for the Protection of All Persons from Enforced Disappearance clearly states that no one shall be subjected to enforced disappearance nor should they be held in secret detention.
7. The Commission condemns the abduction as a grave violation of the right

to personal liberty of the victims, being arbitrary and without just cause which our Constitution guarantees in Section 49. The officials were detained at an unknown place from Wednesday, 13 May 2020 evening until the early hours of Friday, 15 May 2020 against their will. They were denied the right to contact their families to inform them of where they were and the liberty to move or leave.

8. Section 51 of the Constitution also provides that every person has inherent dignity in their private and public life and the right to have that dignity respected and protected. The conditions the victims were subjected to and the way they were treated greatly impaired their dignity. The ZHRC, therefore found that the three (3) MDC officials were indeed abducted, tortured and had their dignity impaired thereby violating various of their constitutional rights.

9. The ZHRC noted that in spite of the fact that the three (3) MDC-A officials with other party officials had staged a demonstration in violation of lock down regulations pertaining to demonstrations, they were still entitled to their human dignity and other rights which are interdependent and indivisible. Accused persons are still entitled to their rights and Section 50 of the Constitution provides for the rights of arrested and detained persons.

10. Recommendations

Zimbabwe Republic Police

10.1 The Zimbabwe Republic Police should investigate the allegations of abduction and torture by the survivors and bring the perpetrators to book, as a matter of urgency.

10.2 The Zimbabwe Republic Police is encouraged to be more proactive in its investigation of criminal offences especially in instances where criminal offences are alleged to be taking place, even by social media sources. Spontaneous action could have reduced the time the victims were in the custody of the perpetrators and would have provided them with some leads to the case.

10.3 The Zimbabwe Republic Police should respect and uphold human rights of arrested and accused persons by not assaulting and torturing suspects or exposing them to such acts of violence.

Movement for Democratic Change – Alliance (MDC-A)

10.4 There is need for the MDC-A structures, within the Provinces, to ensure they are appraised on the laws surrounding public demonstrations particularly in this State of Emergency that has been brought about by the outbreak of the COVID-19 pandemic. Party officials and members should abide by lawful regulations put in place even though they may have a genuine cause to put forward to relevant authorities. Where they feel their constitutional rights have been infringed, they must adopt lawful means of addressing their grievances such as litigation.

10.5 There is need for the MDC-A to follow up on the case of the abduction of their officials until the perpetrators have been brought to book.

Government of Zimbabwe

10.6 The Government through the relevant Ministry should consider ratification of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and honour its commitment during the Universal Periodic Review process and at the presentation of its Periodic Report at the 65th Session of the African Commission of Human and Peoples Rights in Banjul, the Gambia.

10.7 Government must put in place a mechanism to ensure compensation for those that have been victims of State Agents and police brutality through the Ministry of Home Affairs and Cultural Heritage.

Parliament of Zimbabwe

10.8 Parliament must ensure that Section 210 of the Constitution is implemented by enacting a law for an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of members of the security services, and for remedying any harm caused by such misconduct.

Citizens of Zimbabwe

10.9 The ZHRC also urges all citizens of Zimbabwe to exercise their rights such as right to petition and protest, freedoms of association and assembly in conformity with the law.

The ZHRC therefore calls upon all those with information which can assist in the investigation of this matter to contact the Commission through the following contact details:

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