



## **Statement on Torture in Gutu**

**03 April 2017**

The Zimbabwe Human Rights NGO Forum (the Forum) and Zimbabwe Human Rights Association (ZimRights) is deeply concerned about the continued use of torture, inhuman and degrading treatment by State agents. On the 2<sup>nd</sup> of April 2017, Anna Masuka of Ngundu Village in Gutu South Constituency, under Chief Nyamande was subjected to inhuman and degrading treatment when she was handcuffed and dragged to a barbed wire fence a few metres away from her homestead by Constable Dzimano (FN 077907F9) and his unidentified colleague, based at Chinyika Police Base. Ms. Masuka was left handcuffed to a barbed wire for seven and a half hours from 7am to 14:30pm.

The dramatic incident was subsequent to a land dispute between the community and the Bhurani family (pastoring a church by the name “Morning Glory”), which emerged in 1995 only to resurface in February 2017. The level of unwaranted use of force by the police officers is clear evidence that the police has once again departed from its Constitutional mandate of maintaining law and order. The police in accordance with Section 208 of the Constitution should not violate the fundamental rights of any person. Section 201 of the Constitution provides for an Act of Parliament that should create an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of security services, and remedying any harm caused by such misconduct.

This incident comes at a time when the Government reneged on its commitment at the 2011 Universal Periodic Review (UPR) of Zimbabwe to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and its Optional Protocol (UNCAT). At the recent UPR process in March, the Government of Zimbabwe rejected the recommendation to ratify UNCAT.

Under international law torture is a heinous crime. Further the Constitution of Zimbabwe outlaws torture in Sec 53. It states *“No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment”* The government must however, take further steps in criminalizing torture. The government must therefore reconsider its demonstrated lack of commitment in ratifying UNCAT and its Optional Protocol during the review of Zimbabwe at the UPR.

The Forum and ZimRights urge the Zimbabwe Republic Police to investigate this case without fear and favour and ensure that the named Constable is held accountable for his actions. This is the only way the victim can receive justice.

Lastly, the Forum calls upon those who have witnessed cases of human rights violations to forward such information and details to the Forum and/or any of its member organisations listed below.

#### **Forum members**

- Amnesty International-Zimbabwe
- Catholic Commission for Justice and Peace in Zimbabwe
- Civic Education and Network Trust (CIVNET)
- Counseling Services Unit
- Gays and Lesbians of Zimbabwe
- Justice for Children
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
- Zimbabwe Civic Education Trust
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

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