

The LEGAL MONITOR

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COST-FREE

Prisoners for my birthday

HARARE-President Robert Mugabe cut cake; his allies drowned themselves in wine, song and dance to mark their leader's 87th birthday in style, as dozens of activists nursed injuries inflicted by State security agents loyal to the former guerilla leader.

In a week showing contrasting fortunes for Zimbabweans depending on which divide one belongs to—President Mugabe's Zanu PF hosted a lavish arena party on Saturday to cap a week of birthday celebrations. President Mugabe turned 87 last Monday, 21 February.

Loyalists heaped praise on the octogenarian leader, celebrating him as a legend who has continuously sacrificed his life to bring independence and democracy to Zimbabwe.

But those at the receiving end of his regime have a different take on President Mugabe's legacy.

As President Mugabe and his troops indulged in the plentiful at a luxurious conference centre in Harare, HIV activists arrested for allegedly plotting to oust him were being denied access to CD4 count to determine their condition after a week in custody.

The HIV activists are part of 45 social justice and human rights campaigners, denied legal representation, tortured and forced to endure life-threatening conditions in prison for allegedly planning mass protests to unseat President Mugabe.

Of the arrested 45, six of them sustained serious injuries from what Munyaradzi Gwisai, the perceived leader of the group, said was indescribable torture.

On Friday police arrested Job Sikhala, an opposition leader, on alleged kidnapping charges. He was still in police custody at the weekend.

Another opposition figure, Hon. Douglas Mwonozora, a Movement for Democratic Change (MDC) MP, and 23 villagers from Nyanga were languishing in remand prison in Mutare for allegedly assaulting ZANU PF supporters. Lawyers say the matter is one of numerous cases



Prison officials herd social justice and HIV activists arrested for plotting to unseat President Mugabe into court holding cells on Wednesday

where police arrest victims of violence, letting the perpetrators to walk free.

In the most prominent case of the week, Gwisai, the coordinator-general of the International Socialist Organisation, narrated in court on Thursday how he was detained and tortured, summing up the experience as "sadistic and a tragedy for Zimbabwe".

In a case highlighting Zimbabwe's deteriorating human rights situation since independence in 1980, police swooped on Gwisai and the

other detainees as they were watching videos of the Egyptian and Tunisian revolutions on 19 February.

Police accused the group of plotting to use mass protests to unseat President Mugabe the same way people forced dictators in Egypt and Tunisia to step down.

The University of Zimbabwe labour law lecturer is battling to sit and walk because of torture sessions aimed at inducing confessions that would implicate the activists in the commission

of treason, a charge which they are facing in court.

Narrating his ordeal in court, Gwisai said he was tortured together with five other detainees, including former student leader Hopewell Gumbo, in a room in the basement at Harare Central Police Station by nine State security agents. The agents, according to Gwisai, included some police officers who had arrested the activists.

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.

All 45 remain incarcerated in remand prison in Harare and at Chikurubi Women's Prison for the female detainees. They return to court today when Prosecutor Edmore Nyazamba, who applied for the placement of the detainees on remand, cross examines Gwisai. For many Zimbabweans outside President Mugabe's cabal, Gwisai and Hon. Mwonozora's cases did not come as a shock. Rather, they highlighted how citizens viewed as critical of the President and his party remained an endangered species.

"The police continue to selectively apply the law in favour of President Robert Mugabe's ZANU-PF party," said Michelle Kagari, Amnesty International's deputy director for Africa. "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."

Below are some of the Zimbabweans who have been accused of treason or plotting to overthrow the government since independence from Britain in 1980

Joshua Nkomo—the man generally accepted as the liberation struggle founding father fled the country after being accused of plotting to unseat then Prime Minister Robert Mugabe soon after independence.

Dumiso Dabengwa and Lookout Masuku—arrested and charged with four other senior officials of Nkomo's ZAPU party for allegedly planning a *coup d'état* against President Mugabe. In 1983 the Supreme Court found them innocent but police detained them again under emergency regulations for four years.

Ndabaningi Sithole—was convicted of conspiring to assassinate President Mugabe

in 1997. Appealed against conviction but appeal never heard until he died in December 2000.

Morgan Tsvangirai—has faced multiple treason charges, first in 2002 for allegedly plotting to assassinate Mugabe and then in 2003 for leading street protests against President Mugabe. Cleared of both cases.

Welshman Ncube, Renson Gasela—charged together with Tsvangirai in 2002 for allegedly plotting to assassinate Mugabe.

Tendai Biti—charged with treason for authoring a document that reportedly stratagised President Mugabe's removal from power in 2008. Cleared of charges in 2009.

Albert Matapo and seven others—arrested in May 2007 for allegedly plotting to overthrow Mugabe and replace him with defence minister, Emmerson Mnangagwa. They are still in remand prison.

Shakespeare Maya-a—presidential candidate in 2002 before joining Tsvangirai's MDC party, Maya was charged with sedition in March 2010 for allegedly inciting MDC supporters to rebel against Mugabe in 2005. Sedition is defined as the crime of "inciting by words or writings disaffection towards the State or constituted authority".

Sedition complements treason and martial law.

Luke Tamborinyoka, Kudakwashe Matibiri, Ian Makone and others—these high profile members of Tsvangirai's party were arrested in March 2007 and charged under section 24 of the Criminal Law (Codification and Reform) Act for allegedly carrying out a spate of petrol-bombings in Harare and other cities. Accused of "resisting the government and seeking to remove the government through acts of sabotage, banditry and terrorism".

SADC'S SEARCH FOR A SUSTAINABLE POLITICAL SOLUTION IN ZIMBABWE & ITS NEXT ELECTION: USING A LEGAL ROUTE TO A LEGITIMATE GOVERNMENT FROM A CREDIBLE ELECTION

Continued from last week

ZEF added

"A final uses the same voters roll as the first race. (That) was distributed in 2008, in read-only format. Its defects cannot be used by anyone to delay this election, as they (have) used it for all posts.

An F1 Final is a **democratic, legitimate** Road Ahead to a genuine election now, thus to ensuring a credible legitimate government, as the Treaty and our laws require.

If you or SADC cannot or will not uphold our law, there is no point in talks on this with anyone. If you with SADC cannot or will not uphold a genuine election result in Zimbabwe... there is no point in it facilitating another election. It should step aside to let other bodies help instead."

ZEF urges Zuma not to be blackmailed by any incumbent refusing to face a fair and free election or withdraw; nor by any further attempts by any group to dictate who rules in Zimbabwe.

SADC's began its agreed search for a sustainable solution in Zimbabwe in 2007 by pledging elections no-one could honestly dispute in 2008.

Responding to SADC's search **STILL** for a solution, after Zuma stated it must be a legitimate government created through genuine elections, ZEF concludes as follows:-

"In brief,

your Road Map now [as required by our agreed laws, the rule of law and the SADC Treaty] is:-

1. Establish JOC & ZEC's illegal hidden first count from March 2008; inform the public why there was both a recount which found nothing wrong, and yet also then a revote.
2. If the winner got over 50% in that first secret count, ensure he now gets recognized for the balance of his 2008-2013 term, and gets installed so Zimbabwe has a legitimate President with a democratic mandate to have the last say on a new Constitution.
3. If he did not get 50%, ensure a genuine credible run-off is held by 13 February 2011.
4. This should be done in a way that is **democratic, legitimate and effective**. However we offer (without prejudice) to settle if necessary for you only being



President Mugabe

effective in ensuring that Zimbabwe now holds a free and fair Presidential run-off. For this you should

- a. List everything needed for such an election and seek signed acceptances on each point from each candidate – plus performance before accepting their word if he has broken a promise on a similar issue before.
- b. Unless that yields a totally safe fast alternative – fully, rigorously uphold the F1 rule in our election laws as facilitated for us before the first vote.
- c. Get recognition, induction and acceptance of whoever wins the final."

"AN ANNULLMENT, NOT A DIVORCE",

"a forced union without a signed pre-nuptial contract or marriage licence"

In a footnote, ZEF explained its view that legally the GNU winding up will be an annulment, not a divorce, by detailing how GPA partners never got legally "married" due to its designated President not signing Parliament's Amendment No 19.

This was first covered by Legal Monitor in 2009. President Zuma and all 3 Principals accepted it in 2009 and in their Implementation Matrix and the Facilitator's Report for Windhoek in 2010.

Per ZEF's note:-

"Amendment No 19 as agreed with the SADC team and approved by Parliament never got its designated President's assent in line with the GPA in February 2009. He signed and gazetted only half of it then. All agreed when you [Zuma] took over in late 2009 that the half-Amendment published on Friday 13 February 2009 was void, and that the whole Amendment as approved by Parliament had to be signed and published.

This was not done before the Windhoek Summit, so SADC hosted an unconstitutional government. [However Zuma] and SADC accepted the Principals' pledge that this would soon be cured



President Zuma

by signing and gazetting the Amendment 'as approved by Parliament' by 3 September 2010.

Again it was not done. Void "Act 1 of 2009" was just republished "**together with**" the GPA - which still did not get its covering Section 118, nor its agreed status approved by Parliament as a new Schedule to the Constitution. It just dangles on behind that void "No 19" - with it, yet still not accepted as **part** of it, as all had agreed in 2008 and Parliament had approved in February 2009.

While the authentic agreed GPA text was now followed [instead of the adulterated text produced by the defeated government for the signing ceremony on 15 September 2008] that authentic text still has not got its designated President's signature or assent.

It was merely published by a Law Reviser instead- [for information'].

FURTHER: Instead of restoring all agreed Transitional Provisions and Schedules and gazetting Amendment No 19 as approved by Parliament as promised before Windhoek, the Law Reviser made new deletions from [the text] – removing references left in carelessly in February 2009 to a section and a schedule deleted without authority after Amendment No 19 left Parliament. Instead of correcting 2009's unauthorized cuts, these have been reaffirmed.

The agreed Transitional Provision and Schedule requiring all parties to ensure traditional leaders are politically neutral were left out again, despite being in the Amendment approved by Parliament. Soon after the amended Amendment got published without them, the Council of Chiefs was induced to make a declaration at Kariba that RG Mugabe must be recognized as **President for Life**. RG Mugabe is the Principal who has repeatedly pledged but failed to sign the whole Amendment.

The agreed Transitional Provision and Schedule to ensure MPs control the constitutional reform and referendum were omitted again, although in the Amendment approved by Parliament. Without them, the designated President can still use his unchanged referendum law as used in 2000 to decide whether to have a new referendum at all; when; and what Draft gets offered.. The designated President is

the same Principal who has repeatedly pledged but then failed to sign the whole Amendment."

PRELIMINARY COMMENTS ON ZEF PROPOSAL: Some see problems. Others see solutions.

Any better law under the GPA will need agreement, then enactment, then implementation.

If the Facilitator adopts ZEF's road map, the first two of those steps have been taken already.

Its deadline is not feasible, but ZEF gives a logical cure for the problems caused by a flawed run-off, dealing directly with SADC's one unresolved question in Zimbabwe: who do its people prefer as their President? The existing laws cited and fate of Amendment No 19 after its approval by Parliament are on public record. Readers can decide if ZEF has read the law well & given a legal answer too.

Logical? Yes. Legal? You decide. But Practical? Isn't this our **key** question? People will ask: Will our sitting President let SADC implement such a law, & let Zimbabweans freely chose their own President?

Ensuring respect for a law and vote and enforcing them are core challenges whatever laws we create.. Laws against killing and torture always existed; yet we know the State has often not enforced these. We had laws for transparent counting and impartial observing too in 2008; yet they were simply ignored. Our core problem is not getting laws agreed, and enacted although these steps can be hard and slow. It is getting a good law implemented when this is inconvenient to people in power - eg our inconvenient laws against killing and torture.

In any F1 Final SADC must deal with this difficulty, upholding the law, BEFORE any election starts.

To protect people SADC needs impartial forces with real power ie regional peacekeepers, not new bits of paper. Any President can accept these and other precautions for a credible exit election, letting the GPA Guarantors of our rights and security discharge their responsibilities with minimal risk of any deaths and injuries to Zimbabweans, and thus of liability. As ZEF suggests, the facilitation team must check out which contestant will accept better precautions this time, before going further on either road. If they rely on new laws alone, nobody will be safe.

Grace, Gono cartoons land three in trouble

BULAWAYO-Three men here are in trouble for allegedly possessing “insulting and undesirable” statements and cartoons on Reserve Bank Governor Gideon Gono, President Robert Mugabe and his wife Grace.

The three Movement for Democratic Change activists- Calvin Ncube (22), Mpumelelo Donga (26) and Gift Given Mlala (22)- were arraigned before the court last week for allegedly contravening Section 33(2) (a)(ii) of the Criminal Law (Codification and Reform) Act.

The State, led by prosecutor Tawanda Muchemwa, alleges that the three made a statement that insulted the President.

According to the State outline, Ncube was arrested last week on Monday on a different

allegation and was taken to Saurcetown Police Station where upon arrival he was searched and found in possession of three paper cuttings. The State alleges that these pieces of paper carried “insulting and undesirable statements about the first lady Grace Mugabe, the Reserve Bank Governor Gideon Gono and the President”.

The State further alleged that upon being questioned Ncube, then implicated Donga and Mlala.

Magistrate Ndumo Masuku granted the accused \$50 bail each.

Lizwe Jamela of Zimbabwe Lawyers for Human Rights put the State on notice that an application to challenge the remand will be filed on the next appearance on 10 March.

Recently two Plumtree residents were charged with possessing “obscene” leaflets that police say undermine the authority of President Mugabe and his immediate family.

Police allege that the cartoon images on the leaflets are caricatures of President Mugabe and his family.

Mxolisi Tshabala and Blessedgay Phiri were charged with contravening Section 33(2)(b) of the Criminal Law (Codification Reform) Act Chapter 9:23 for being “in possession of published (sic) material undermining the authority of or insulting the President or his immediate family”.

The offence attracts a maximum sentence of 12 months imprisonment.

Activists’ ordeal

Continued from page 4

The detention of the 46 activists is unlawful because the 48-hour period prescribed in the Criminal Procedure and Evidence Act (CPEA) has now passed. Police indicate that they would retain Gwisai, Gumbo and other detainees in police custody for the fourth night without providing any explanation for their action.

At least eight of the detainees including Gwisai, the International Socialist Organisation (ISO) general coordinator, former ZINASU president Hopewell Gumbo are unlawfully removed from the cells in batches on the first two nights of their detention for “interrogation” during which they were severely beaten. The police also deny medical attention for the detainees.

22 February-Lawyers realise late Tuesday that all of the detainees were charged in their absence with contravening section 22 (2) (a) (i) of the Criminal Law (Codification and Reform) Act, that is *attempting to overthrow the government by unconstitutional means*. None of the detainees have been released from police custody as had been advised by the police.

23 February-Lawyers accompany their clients to the Attorney General’s Office in the morning from where they are expected to proceed to court.

Police charge Gwisai, Gumbo, student leader Welcome Zimuto and 42 social justice and human rights activists with treason after prosecutors sneak in the charge of treason as defined in Section 20 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] in addition to the charge of contravening Section 22 (2) (a) (i) of the Criminal Law (Codification and Reform) Act, that is attempting to overthrow the government by unconstitutional means.

Lawyers for the 45 were only advised of the charges minutes before the court convened.

If found guilty of treason, the activists risk being slapped with a sentence of death or life imprisonment.

State prosecutor Edwin Nyazamba, who was assisted by one Mthombeni accuse the activists of convening and attending a meeting in a boardroom at Cross Roads House along Julius Nyerere Way in Harare on Saturday 19 February, where they allegedly organised, strategised to implement the removal of a constitutional government of Zimbabwe by unconstitutional means, in similar fashion to the Egyptian revolution, which resulted in the ousting of former Egyptian leader Hosni Mubarak.

Defence lawyers Alec Muchadehama and Marufu Mandeveru of Mbizdo, Muchadehama and Makoni Legal Practitioners, who are members of Zimbabwe Lawyers for Human Rights (ZLHR) protest against being ambushed in court as prosecutors only availed the charge sheet to them a few minutes before court proceedings.

Harare Magistrate Munamato Mutevedzi adjourns proceedings to Thursday to allow the defence lawyers to obtain instructions from the activists as they had not been afforded the opportunity to do so with regards to the new charge of treason which only cropped up when they were in court.

However, the chief prison officer identified as Nyamapfene, in contempt of the court, bars defence lawyers from taking instructions from their clients and transfers the activists to Harare Remand Prison and Chikurubi Maximum Prison.

The 45 activists are Munyaradzi Gwisai, Antonater Choto, Tatenda Mombeyarara, Michael Sozinyu, Eddson Chakuma, Hopewell Gumbo, Welcome Zimuto, Phillip Magaya, Prolific Mataruse, Godknows Biya, David Mupatse, Douglas Muzanenhamo, Ganizani Nunu, Reki Jimu, Josphat Chinembiri, Strutton Muhambi, Trevor Chamba, Clarence Mugari, Munyaradzi Maregedze, Willie Hlatswayo, Ian Muteto, Tinashe Muzambi, Tinashe Mutazu, Pride Mukono, Lenard Kamwendo, Tinashe Chisaira, Trust Munyama, Peter Garanewako, Elizabeth Makume, Megline Malunga, Daison Bango, Malvern Hobwana, Tashinga Mudzengi, Ednar Chabalika, Thokozi Matho, Francisca Thompson, Masline Zvomuya, Nhamo Kute, Annie Chipeta, Tabeth Chideya, Charles Mubwandarikwa, Thomas Chibaya, Fatima Manhandu, Blessing Muguayaya and Robert Muhlaba.

24 February-Gwisai bemoans torture in court.

26 February-Lawyers visit detainees at Harare Remand Prison to take instructions. Receive complaints that prison officials are demanding a court order authorising them to attend to their medical needs.

Gwisai case continues today

HARARE-The refusal of remand application by Munyaradzi Gwisai and 44 other social justice activists resumes today at the Harare Magistrates Court with the State expected to cross-examine Gwisai who is alleging torture in police cells.

The 45 activists have been in detention for over a week now since their arrest on 19 February while attending a meeting at the International Socialist Organisation offices.

The State, led by prosecutor Edmore Nyazamba, has slapped them with treason charges, which carry the death sentence or life imprisonment.

Through their lawyer, Alec Muchadehama, the activists are denying the charge, as well as that

of trying to subvert a constitutional government. The case before Harare Magistrate Munamato Mutevedzi has resuscitated fears of an intensified crackdown on activists ahead of possible election later this year or early next year.

Gwisai and other activists say they were persecuted at Harare Central Police Station by nine state security agents who included some police officers who had arrested them.

Gwisai said the torture sessions were aimed at securing confessions from the activists which would implicate them in the commission of treason.

State torture a routine

HARARE-Silence filled the packed courtroom at Harare Magistrates Court on Wednesday when Munyaradzi Gwisai said his torture experience at the hands of the police was “indescribable, sadistic and a tragedy for Zimbabwe”.

The activist said the torture sessions, which were recorded on video, were conducted by more than five people at Harare Central Police Station who took turns to assault him and his colleagues.

Gwisai’s tear-rendering narration reminded Zimbabweans of the horrendous experience that many other activists before him went through at the hands of State security agents.

Cases cited below provide a picture of how State security agents use torture as a routine investigation method:

February 2011 - Munyaradzi Gwisai and other activists facing treason charges claim they were tortured while in police custody as security agents tried to induce confessions that they had shouted: “Abasha Mugabe.”

May 2010 - Ignatius Mhambi, an employee of Gays and Lesbians of Zimbabwe, was assaulted by police while in custody. He was accused of possessing pornographic material. He told of how he was made to bend his knees into a sitting position with his arms outstretched for long periods and struck with bottles when he weakened and fell.

He was later acquitted of the charges.

October 2009 - Movement for Democratic Change (MDC) transport manager, Pasco Gwezere, is charged of banditry charges. He complained of torture by State security agents while in custody. He was accused of plotting with army officers and stealing 20 AK 47 rifles and a shotgun from an armoury at Pomona Barracks.

The State could not keep him on remand and he was finally released early last year.

December 2008 - Jestina Mukoko, the head of the Zimbabwe Peace Project-charged of plotting

to overthrow the government-was tortured for about three weeks before being taken to court.

December 2008 - Kisimusi Dhlamini and Gandhi Mudzingwa alleged torture by security agents while in detention on allegations of banditry. In January, Harare Magistrate, Olivia Mariga, ruled that the activists were subjected to severe torture while in custody.

December 2008 - Journalist Andriison Manyere – reported that he was tortured by State security agents while in detention to admit committing crimes of banditry and insurgency.

November 2008 - Banket councillor Emmanuel Chinanzvavana goes missing together with several activists. He appears in court in December facing treason charges. He complains of being tortured by State security agents while in detention. He is now demanding US\$1.2 million in damages for the abduction and torture he suffered. Chinanzvavana is demanding the damages from the ministers and State security officials. Chinanzvavana has cited co-Home Affairs Minister Kembo Mohadi and his then counterpart Giles Mutsekwa, Justice Minister Patrick Chinamasa and Presidential Affairs Minister Didymus Mutasa. Police Commissioner-General Augustine Chihuri, Prisons Commissioner Paradzai Zimondi, Central Intelligence Organisation (CIO) Director-General Happyton Bonyongwe, CIO assistant director Ashley Walter Tapfumaneyi, police chief superintendents Crispin Makedenge and Magwenzi, police assistant commissioner Nyathi and detective chief inspector Mpofu, are cited as the other defendants in the compensation claim.

Chinanzvavana says he was tortured during his ordeal with State agents trying to force him into admitting to sabotage and banditry accusations.

April 2008 - Tendai Biti- the MDC secretary general – faces treason charges and communicating falsehoods prejudicial to the State – said he was tortured while in police detention. The charge emanated from a document he allegedly authored entitled “The Transition Strategy”, while the other charge was about statements he allegedly made after the March 29 2008 harmonised elections in which MDC leader Tsvangirai shocked President

Robert Mugabe by defeating him in an election. The charges were later dropped by the State after his appointment as Finance Minister in a shaky coalition government of Mugabe and Tsvangirai.

March 2007-State security agents assault and torture top civil and political activists, including MDC leader Morgan Tsvangirai, Tendai Biti, Nelson Chamisa and National Constitutional Assembly leader Lovemore Madhuku, for participating in a prayer meeting dubbed “Save Zimbabwe Campaign”.

March 2007-Luke Tamborinyoka, Kudakwashe Matibiri, Ian Makone and others MDC members were arrested in March 2007 and charged for allegedly carrying out a spate of petrol-bombings in Harare and other cities. They were accused of “resisting the government and seeking to remove the government through acts of sabotage, banditry and terrorism.”

September 2006 - Lovemore Matombo, Zimbabwe Congress of Trade Unions (ZCTU) president, Lucia Matibenga, ZCTU first vice president, and Wellington Chibebe, ZCTU secretary general, were arrested at the start of an anti-government protest. The three and other 10 labour leaders had to be hospitalised as they nursed wounds sustained from police assault while in detention. Chibebe sustained a broken arm and multiple cuts and bruises. He said the union leaders were “brutally and severely tortured”, locked in holding cells without functioning toilets and lights, and denied food, access to medical attention, lawyers or family visits.

March 2006 - Mutare-based arms dealer Hitschmann is arrested. Later in the year he appears at the High Court facing banditry charges. He was acquitted of the charge but convicted of being in possession of arms of war without a licence. The High Court ruled that he had been tortured.

In 2010, the State produced a video in which Hitschmann implicated Bennett. Hitschmann said the video had been shot after he had been tortured, restrained in leg irons and handcuffs and denied medical treatment or the ability to clean himself.

Activists' ordeal

19 February-Police arrest labour activist Munyaradzi Gwisai and 45 other social and human rights activists at a venue in Harare. At the time of the arrest the labour activist and other social and human rights activists, who include Hopewell Gumbo were participating in an academic discussion. At least 35 police officers suspected to be from the Criminal Investigation Department (CID) Law and Order section and some members of the dreaded Central Intelligence Organisation (CIOs) cast an indiscriminate dragnet at the venue where the academic discussion was being held.

Efforts by lawyers to gain access to the detainees are fruitless. Senior police officers and some unidentified men who without any explanation and just cause ruthlessly and rudely chased away the lawyers at about 20:00 hours. Subsequent

efforts to gain access to their clients so as to ascertain the medical requirements of the 46 were also met with resistance by the unidentified men in civilian clothes.

20 February-Fresh attempts by lawyers to gain access to their clients is met with stiff resistance and verbal insults. When lawyers finally manage to gain access to their 46 clients for about two hours they are advised upon interviewing some of the detainees that at least seven of them had been tortured by the "unidentified men" who during the said torture sessions were questioning detainees about the meeting and the discussions.

Police advise lawyers that their clients could possibly be charged with contravening section 22 (2) (a) (i) of the Criminal Law (Codification and

Reform) Act, that is *attempting to overthrow the government by unconstitutional means*.

Police spent the whole day "vetting" the detainees, leaving Gwisai to undergo the vetting exercise at the end. Police bar lawyers from being present in the room where each detainee is being interviewed.

Lawyers make submissions to the police from the CID Law and Order Section at the Harare Central Police Station to release those detainees who were just innocent bystanders and others who were working in the same building, who had been caught up during the raid on Saturday when the detainees were arrested, but this falls on deaf ears.

21 February-Lawyers have not yet been granted access to the detainees as the police claim to be still screening the detainees to determine the nature of their participation in the meeting.

The 46 activists continue to be detained at Harare Central Police Station after the police failed to take them to court on Tuesday.

The police fail to take the detainees to court after formally charging seven of them, who include former Movement for Democratic Change (MDC) MP for Highfield Munyaradzi Gwisai and economic and social justice activist Hopewell Gumbo. 39 of the detainees whom the police had undertaken to release from custody have not yet been released. *Continued on page 3*



After being detained for four days, Gwisai and 44 fellow activists arrive at Harare Magistrates Court on Wednesday



Lawyers try in vain to negotiate with prison officials to get instructions from the activists as ordered by Magistrate Munamato Mutevedzi



Edmore Nyazamba from the Attorney General's Office arrives at court to prosecute Gwisai, Gumbo and others



Former ZINASU president and social justice activist Hopewell Gumbo (circled) walks into the Harare Magistrates Court on his right is Tafadzwa Choto



The activists are ordered to sit on the ground outside the Harare Magistrates Court



Mission accomplished... State security agents discuss at the entrance of the Harare Magistrates Court after bringing the activists for remand