



REDRESS 87 Vauxhall Walk, London SE11 5HJ, Tel: +44 (0)20 7793 1777, www.redress.org

For immediate release

African Commission finds Zimbabwe responsible for torture of a human rights lawyer

Banjul, The Gambia, 22 March 2013 - The African Commission on Human and Peoples' Rights has found the Zimbabwe Government responsible for the torture and ill-treatment of Gabriel Shumba, a well-known human rights advocate and lawyer from Zimbabwe. This is the first time in its 26-year history for the most important human rights body in Africa to hold Zimbabwe responsible for torture.

Mr Shumba, who was representing human rights activists and members of the opposition party MDC before courts in Zimbabwe at the time of his arrest and torture at the hands of the police and intelligence personnel, emphasised that the ruling went beyond his case.

"This important ruling adds to Africa's struggle against impunity, and the case is representative of thousands who have suffered torture and various indignities at the hands of a repressive regime in Zimbabwe," said Mr Shumba, who fled to South Africa for fear of his life in 2003, shortly after his torture. Mr Shumba brought a complaint before the African Commission in 2004.

In its decision, the African Commission considered that Mr Shumba had submitted "more than adequate evidence" to support his allegation of torture and ill-treatment, including being subjected to prolonged electric shocks in the mouth, genitals, fingers, toes and other parts of the body. It said Zimbabwe failed to open an official investigation and that it should do so and bring those responsible to justice.

The decision also alluded to the impunity with which torture is being committed in Zimbabwe which made it impossible for Mr Shumba to seek justice before Zimbabwean courts. In particular, it acknowledges that he would have undergone great risks had he returned to Zimbabwe to seek justice, stating that "there was no guarantee that he would not have been arrested or subjected to the same treatment he had been subjected to the previous time."

The Commission also made it clear that remedies in Zimbabwe "are inadequate, ineffective and unavailable" and ordered Zimbabwe to pay Mr Shumba adequate compensation for the torture and trauma caused to him. Zimbabwe has 90 days to implement the decision.

The African Commission rendered its decision in May 2012. Its publication was approved by the Executive Council of the African Union in January 2013, and the African Commission informed Mr Shumba of its decision on 22 March 2013.

“The Government of Zimbabwe and the African Union's commitment to ending impunity will be measured against a clear yardstick of implementation of the decision of the African Commission on Human and Peoples Rights,” added Mr Shumba.

“This decision is emblematic of the widespread use of state terror to coerce and cow a subject population. It is not merely a legal decision in favour of a single victim but rather a recognition by Africa's most important and prestigious institution that the practice of disappearing people and beating them to within an inch of their lives will no longer be ignored by Zimbabwe's neighbours,” said David Padilla, Mr Shumba's lawyer.

“The decision once more underlines the crucial role of the Commission in providing justice to victims who have nowhere else to go,” said Dadimos Haile, Interim-Director of REDRESS, who supported Mr Shumba's claim. “While we would have hoped that the Commission's ruling on reparation is more inclusive of other forms of reparation recognised under international law, particularly access to medical and psychological rehabilitation, this ruling is an important acknowledgment of the torture committed against Mr Shumba and the obligation of the Government of Zimbabwe to provide him with compensation,” added Haile.

Background to the case

Gabriel Shumba is a well-known human rights lawyer who has represented human rights activists and members of the former opposition party MDC before courts in Zimbabwe. Mr Shumba was arrested by the Zimbabwean riot police and personnel from the Central Intelligence Organisation on 14 January 2003, while taking instructions from a client. He was kicked and beaten, detained without charge and severely tortured and ill-treated for several hours. Interrogators threatened Mr Shumba with death, electrocuted him and poured a chemical substance over his body. He lost control of his bodily functions, vomited blood and was forced to drink his vomit.

Following his torture in 2003, he was forced to flee to South Africa, where he is currently living. Mr Shumba is the executive director of the Zimbabwe Exiles' Forum, an advocate of the High Court of South Africa and a member of the Johannesburg Bar. He filed the complaint against Zimbabwe with the African Commission on 24 May 2004.

For further information, please contact: Gabriel Shumba, Zimbabwe Exiles Forum, on +27846649798 or gabmrech@gmail.com; David Padilla, Professor of Human Rights Law at the University of Pretoria, on +1 703 533 8165 or dpadilla44@aol.com or Eva Sanchis, REDRESS' Communications Officer, on +44 (0) 20 7793 1777 or eva@redress.org.

Note to editors:

About the Zimbabwe Exiles Forum: The Zimbabwe Exiles Forum is a Southern African non-political, non-profit and non-partisan organisation with an eye on the future of Zimbabwe. It was founded in 2003 in South Africa on the premise that political change that will usher in a democratic dispensation where human dignity and civil liberties are sacrosanct in Zimbabwe is inevitable. More information on our work is available on our website: www.zimexilesforum.org.

About REDRESS: REDRESS was founded by a British torture survivor in 1992. Since then, it has consistently fought for the rights of torture survivors and their families in the UK and abroad. It has intervened in a range of leading torture cases. More information on our work is available on our website: www.redress.org.