

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Government Should Investigate and Hold Perpetrators Accountable

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(New York) - The Zambian police routinely engage in cruel, inhuman, and degrading treatment, including torture, to extract confessions, Human Rights Watch said today. The government should investigate, discipline those found to be implicated, and train officers to interrogate suspects without coercion, Human Rights Watch said.

Human Rights Watch, the Prisons Care and Counselling Association, and the AIDS and Rights Alliance for Southern Africa interviewed prisoners at six prisons throughout Zambia's central corridor. They described what happened to them in police custody, before they were transferred to prison. Dozens of detainees said they had been beaten with metal bars, hammers, broom handles, police batons, sticks, or even electrified rods. Many said they had been bound first and hung upside down. Female detainees reported that police officers tried to coerce sex in exchange for their release.

"Hanging suspects from the ceiling and beating them to coerce confessions is routine police practice in Zambia," said Rona Peligal, Africa director at Human Rights Watch. "The government needs to call an immediate halt to police abuse, investigate violations, and strengthen grievance mechanisms."

These reports of physical abuse of men, women, and children held in police custody indicate a widespread and systematic pattern of brutality, in some cases rising to the level of torture, Human Rights Watch said.

Several former police detainees still bore the scars from the abuse at the time of their interviews; many reported suffering serious long-term health consequences. Inmates showed researchers their misshapen fingers - a result of being smashed by hammers and iron bats - and scars on their feet and hands resulting from beatings with police batons. Two inmates had lost their vision as a result of blows to the head, while others complained of chronic pain and swelling resulting from repeated beatings to their legs without subsequent medical treatment.

"I'm having some problems as a result of my torture," one detainee abused in police custody reported. "I can't feel my hands anymore."

The interviews were conducted by Human Rights Watch, the Prisons Care and Counselling Association, and the AIDS and Rights Alliance for Southern Africa as part of research into the health conditions in six Zambian prisons, between September 2009 and February 2010.

No Response From Officials

Human Rights Watch presented their findings and concerns in letters [to the minister of home affairs](#) and [the inspector general of police](#) on June 25, 2010, and again requested a response on August 31, but received no response. The letters called on government authorities to investigate the brutality against detainees in police custody, and to discipline immediately all officers found to have used force inappropriately against suspects. The letters also called on the police authority to institute special training sessions for police officers on non-coercive methods of interrogation, and to seek increased funding for the authority charged with investigating abuses.

Little Recourse

Despite the prevalence of brutal abuse, grievance mechanisms are insufficient, the researchers found. In 2009, work by the Police Public Complaints Authority, which was created to receive and adjudicate complaints against the police, led to settlement or punishment in only 27 of its 245 cases.

The United States Department of State reported that many complainants dropped their complaints after direct intervention by the police

implicated in the abuse, either through intimidation or compensation to avoid an investigation. Yet many cases also went unreported due to ignorance of the existence of the authority or fear of retribution. The Zambian Human Rights Commission has noted that inadequate funding, personnel and transport, and resistance by the police have contributed to the authority's ineffectiveness.

"The violent abuse experienced by suspects in police custody in Zambia violates both the rights of the detainees and Zambia's national, regional, and international law commitments," Peligal said. "All of this treatment is prohibited, and much of it would clearly constitute torture."

Violates International, Regional Law

Under international human rights law, people in detention retain their fundamental human rights aside from their liberty. The most fundamental protection for detainees is the absolute prohibition on inhuman and degrading treatment and torture. The prohibition is a well-established norm of international and regional law, by which Zambia is bound, and is also reflected in the Zambian Constitution, and in several of the human rights treaties to which Zambia is a party. The International Covenant on Civil and Political Rights and the Convention Against Torture prohibit torture and cruel, inhuman, or degrading treatment or punishment without exception. The African Charter on Human and Peoples' Rights also prohibits "all forms of exploitation and degradation," including slavery, torture, and cruel, inhuman or degrading punishment and treatment.

"Using force to extract confessions is no way to achieve justice," Peligal said. "It doesn't work and it violates Zambians' rights. The government needs to call an immediate halt, train police to interrogate suspects properly, and punish violators."

Selected Accounts From Prisoners About Treatment in Police Custody

"When I was in police custody, they beat me, a torture I have never experienced in my lifetime. They beat me, undressed me, whipped me. They put handcuffs on me so hard that the blood couldn't flow. They turned me upside down and hung me upside down, with a steel cord between my legs. They swung me and beat me. They saw I was crying and screaming and put a cloth in my mouth to suffocate me. I fainted - I couldn't handle the pain. They were abusing me with their language, calling me a prostitute. They put me somewhere where I couldn't talk to anyone. They were trying to get me to say something -I don't know. They were just torturing me for four days, beating me. After, there was lots of blood where I was beaten. My hands were green and swelling.

They hit me on my ears and face with a metal band. There were scratches on my face. They said, You have to give us information about who had killed the person.' They tried to find out who had killed the person - I didn't know. The police are supposed to investigate a case, not to torture.

After, they were scared to take me to a doctor because I still had injuries. They only took me after one month, when the swelling was down. When I went to the doctor, the police followed me into the doctor's room and listened to me. The police told the doctor that I was lying. Just a simple torture that she was given, not much,' he said."

- Tandiwe, 27, female detainee, Lusaka Central Prison

"I [was arrested for] aggravated robbery. In these cases they treat the subject as if the suspect is already guilty. My hands were cuffed for four days and nights. They passed a metal bar between my hands and legs and hung me between two tables and beat me with the police baton. They mostly beat my low back, under my feet and on top of my feet and the hands and the head. There were almost six guys -they were forcing me to accept a situation I never knew.... Words were put in my mouth. They introduced men to me and told me they were my gang members. In fear of pain I accepted. Brought here [to prison], I was told I am jointly charged with them. I know from civics class that I was supposed to go to court and get a lawyer, but none of that happened.

I was tortured twice a day for five days. Breakfast is torture; lunch is torture. They used electrified rods too. I'm not certain where they were applied. I can't really remember everything. Pictures come into my mind. Sometimes I feel like committing suicide, or like this was all my fault. That I will be rejected by my family. Sometimes I feel that my hopes and dreams are shattered. Sometimes I feel that it is the end of the world."

- Titus, 21, male detainee, Mumbwa Prison

"They arrested and they beat me, asking questions. They beat me up when I said I didn't know anything. They said, we want you to say this, then we will let you go.' They didn't sexually abuse me, but they asked me to have sex with them. They said they would release me if I did, and I said no."

- Gladys, 35, female detainee, Lusaka Central Prison

"I was arrested...for burglary. I spent 11 days in the police station. While I was held by the police I was beaten on my forearms with an iron bar. I have scars on my hands and forearms. The bar was the width of a man's index and middle finger, three feet long. They beat me every day, trying to force me to confess. They used a short wood baton to beat me on the waist, the width of a man's forearm. I needed medical care but I didn't have the opportunity....When I sit for a long time, I feel pain."

- Peter, 18, juvenile detainee, Choma Prison

"I was beaten by the police when I was in police custody. They put my arms under my knees and clasped my hands in front of my knee. After cuffing me, I was beaten with a short baton. My feet were aching and swelling. They beat me on my feet. I received no medical treatment after the police beat me. I still have a problem with my leg-when I walk too much, it swells."

- Clive, 21, male detainee, Mwembeshi Prison

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