

Urgent Action In Focus

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Jenni Williams, leader of Women of Zimbabwe Arise (WOZA) © AI 2005

"Just people cannot follow unjust laws": Human rights defenders under siege

On the evening of 31 March, following Zimbabwe's parliamentary elections, police arrested activists belonging to the women's rights organisation Women of Zimbabwe Arise (WOZA). Approximately 260 women, including WOZA leaders Jenni Williams and Magodonga Mahlangu, were detained as they attempted to hold a peaceful post-election prayer vigil at Africa Unity Square in Harare.

The research team at the International Secretariat responded by mobilizing the UA Network on 1 April, as during and after the arrests several WOZA activists, some carrying babies, were badly beaten.

Some WOZA members had been forced to lie on the ground and been hit on the buttocks by police officers (UA 77/05, AFR 46/005/2005).

Among those beaten was a 74-year-old woman, who reported that she was told: "Pray because you are going to die". Many of the women were beaten during the arrests as they were forced into police vehicles. Several of the women were seriously injured and subsequently hospitalized, though none were given access to adequate medical treatment during their detention.

The women and children were detained overnight in an open-air courtyard, under armed guard. They were initially denied access to lawyers and police reportedly told them that they could pay a fine if they pleaded guilty to minor offences under the Miscellaneous Offences Act (MOA), and then be released. However if they did not pay the fine, they were told they would remain in detention over the weekend until 4 April when the courts re-opened, to face charges under the Public Order and Security Act (POSA) which became law on 22 January 2002.

The squalid conditions in police holding cells and fear of physical harassment made all of the women – several of whom were elderly, injured or with their children – elect to pay the fines over the course of 1 April. This is not the first time the police have used MOA to regularize the arbitrary arrests of the women and the payment of fines was then used to elicit “admissions” of guilt. As due process and the rule of law were abused, human rights lawyers acting for WOZA plan to challenge the forced payment of fines in this case.

Women of Zimbabwe Arise (WOZA): Repeatedly arrested, detained and abused

At an international level, not much is often heard of grassroots women activists in Zimbabwe. Yet they are among hundreds of human rights defenders, including media workers, lawyers, judges and non-governmental organization (NGO) staff, who have been subjected to intimidation, arbitrary arrest, assault and torture because of their work to uphold and defend human rights. Many of these abuses are carried out by state agents and in the majority of cases those responsible have acted with impunity.

Between February 2003 and March 2005 hundreds of WOZA members were arrested and dozens assaulted by police officers. The women were targeted while taking part in peaceful protests in

response to the worsening social, economic and human rights situation in the country. On 7 March 2004, Bulawayo police arrested several WOZA leaders – including Magodonga Mahlangu and Jenni Williams – as they left a meeting. They were kept in custody until 9 March, apparently in an attempt to prevent them from organising a WOZA demonstration to mark International Women’s Day on 8 March. However, when they appeared in court on 23 March, the prosecutor refused to press charges.

On 16 June 2004, 43 WOZA activists were arbitrarily arrested while attending a private meeting in Bulawayo. Seven of the women had small babies or children, who were taken into custody with them. At Western Commonage Police Station, a number of the activists were reportedly verbally abused and assaulted by the police. Winnie Muzhanje was forced to kneel and was hit with a *sjambok* (whip) on the soles of her feet while another policeman slapped her. Nancy Malabwe and Patricia Mahole were also hit on the soles of their feet and verbally abused by police officers. The officers allegedly told the detainees that if they asked for a lawyer, they would be held for several days. A human rights lawyer was initially denied access to the activists. After further intervention by the lawyer, 39 of the activists were released without charge on the same day. The four remaining activists were charged under Section 24 of POSA, with failing to notify the authorities of a public meeting, and detained overnight. However, when they went to court the following day the prosecutor refused to press charges.

Arrested for participating in a sponsored walk and for “praying in public”...

On 19 September 2004 more than 30 WOZA activists began a 440 km sponsored walk from Bulawayo to the capital, Harare, to protest against the NGO Bill, which severely undermines the work of human rights defenders, and to raise funds for women’s rights work.

Other activists joined the walk at different stages. On 28 September police arrested 48 WOZA activists, together with four men who were assisting them on the walk, some 60 km from Harare. The police claimed the walkers had contravened POSA. Another woman, Siphwe Maseko, was arbitrarily detained the same day when she attempted to deliver food to those in custody; she was released the following day without charge. The rest of the group was held in custody until 1 October, when a magistrate ruled that they had no case to answer. All were released.

On 29 September WOZA activists who had not been arrested the previous day finished the walk, gathered at Africa Unity Square in Harare and held a brief prayer service for those in detention. As they began to disperse, nine activists were arrested by police, who reportedly claimed that they had contravened Section 19 of POSA by "praying in public". Section 19 of POSA refers to "gatherings conducing to riot, disorder or intolerance". The group were detained at Harare Central Police Station where three of the women were allegedly assaulted by a plain-clothes officer during interrogation. All of the activists were released on bail on 1 October. When they appeared in court on 13 October, no charge sheets were presented and all were released.

Arrests in 2005

The arrests have continued in 2005. When Amnesty International was researching the report *Zimbabwe: Human rights defenders under siege* (AFR 46/001/2005, May 2005) in the first three months of the year, no less than 300 WOZA activists were arrested or detained by police on four separate occasions. Despite this, WOZA activists have not been deterred from organizing peaceful protest. They know and accept the risks attached to their activism even though the government of Zimbabwe has used a number of tools and tactics in its attempt to silence them.

The law as a tool of repression

The government of Zimbabwe has used the law as a tool of repression. For example, many activists have been charged under MOA, usually with conduct likely to cause a breach of the peace, when the police have tried but failed to bring charges under POSA. According to Zimbabwe Lawyers for Human Rights the MOA is being used in conjunction with POSA to "create a minefield for human rights activists", as virtually any conduct can be deemed to be behaviour likely to cause a breach of the peace. Police have also attempted to deny detained activists access to legal advice and lawyers acting for WOZA have been subject to harassment by police. On one occasion detained WOZA activists in Bulawayo were reportedly told by police that if they asked for a lawyer they would be kept in detention for a longer period. The women have also been questioned by police without their lawyers being present.

Since 2002 the government has introduced or revived several pieces of legislation which violate rights which are fundamental to the work of human rights defenders. These include the right to freedom of expression, association and assembly, which have been restricted through the introduction of laws such as the Public Order and Security Act, the Access to Information and Protection of Privacy Act, the Private Voluntary Organizations Act and the Miscellaneous Offences Act.

Even before the enactment of laws such as POSA, the international community had raised fears that fundamental human rights would be at risk. For example, in January 2002, the Special Representative of the UN Secretary General on Human Rights Defenders sent an urgent communication to the Zimbabwean authorities raising concerns that if POSA was enacted, it would restrict the rights to freedom of expression, association and assembly. Amnesty International agrees with this fear and believes that POSA places unreasonable limitations on the

enjoyment of these freedoms.

International Solidarity

International support and solidarity has been very important to WOZA activists. Speaking in April 2005, Jenni Williams said: **"I am alive today because the international community, through Amnesty International, through the media, have heard about our work. Amnesty International helped us to amplify our voice and they gave us incredible protection. When we're there in the police cells and we know that someone has got the message saying we're arrested, we know that something is happening."**

WOZA continue to take to the streets regularly, fully aware of the risks. There is little doubt that they will be arrested again and face harassment, intimidation and assault. They march because, they say, "just people cannot follow unjust laws." As WOZA struggle to assert basic rights in Zimbabwe, the role of supporters worldwide will remain vital to them.