

Zimbabwe

RIGHTS UNDER SIEGE: State intimidation of Human Rights NGO Amani Trust

The last three years have seen an escalation in government attempts to suppress dissent. Supporters and officials of the opposition Movement for Democratic Change (MDC), the independent media and civil society have been subjected to harassment, intimidation, arbitrary arrest, and torture. In recent months Amani Trust a leading Zimbabwean human rights NGO which provides support to victims of torture has come under threat from state authorities. The government has used restrictive legislation as a weapon to silence individuals or organizations who expose human rights violations.

In January 2003, Amani Trust received threats that their office would be petrol bombed.

In November 2002, the Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, published a list of NGOs which he claimed were a threat to peace and security in Zimbabwe. Amani Trust appeared on the Minister's list of NGOs and was reportedly accused of working with the British government to unseat President Robert Mugabe and destabilize the nation.

That same month, the Trust closed its offices following the government's decision to criminalize the non-registration of NGOs under the Private Voluntary Organizations (PVO) Act.

In August 2002, Dr Francis Lovemore, medical director of Amani Trust was arrested on allegations that the Trust was guilty under the Public Order and Security Act (POSA) of "publishing or communicating false statements prejudicial to the state". The arrest stemmed from press reports which referred to Amani Trust's work with victims of torture and politically motivated rape. The offices of Amani Trust were raided and searched by police. Dr Lovemore was released without charge.

In January 2003, Amani Trust staff received threats that their office would be petrol bombed.

The Public Order and Security Act (POSA) was enacted in January 2002 as part of an overall strategy by the government authorities to hinder the campaigning activities of the MDC in the run-up to the presidential elections in March 2002, tighten restrictions on the independent media and give police sweeping powers. Since its enactment, POSA has been used by the authorities to target opposition supporters, independent media and human rights activists and specifically restrict their rights to: freely assemble; criticize the government and President; and engage in, advocate or organize acts of peaceful civil disobedience. Hundreds of Zimbabweans, mainly opposition supporters, have since been arbitrarily arrested. The legislation has enabled the police to intimidate, harass and brutally torture real or perceived supporters and members of the opposition.

The Private Voluntary Organizations (PVO) Act was enacted in 1966 by the Rhodesian authorities and has been amended several times. Under the PVO Act, private organizations are required to register with the government. In September 2002, the Ministry of Public Service, Labour and Social Welfare published a notice to the press advising NGOs to register with the ministry otherwise cease operations and that failing to do so would result in arrests. Criminalizing the non-registration of NGOs violates provisions within Zimbabwe's constitution, in particular Section 21 which provides for freedom of association.

Take action!

1. Write to government officials in Zimbabwe

Key targets are the **President**, the **Minister of Justice, Legal and Parliamentary Affairs** and the **Minister of State for Information and Publicity**. In your letters make the following points:

- state that you are concerned about the continued intimidation, harassment, arbitrary arrest and torture of officials of the MDC, the independent media and civil society;
- express concern that restrictive provisions of the Public Order and Security Act (POSA) and the Private Voluntary Organizations (PVO) Act are in breach of regional and international guarantees of rights to freedom of expression, association and assembly;
- express concern that the police have used restrictive provisions of POSA and the PVO Act to harass, intimidate, arrest and torture supporters and officials of the MDC, the independent media and civil society organizations such as Amani Trust;
- point out that Article 9 of the African Charter on Human and Peoples' Rights to which Zimbabwe is party, asserts that: *"every individual shall have the right to express and disseminate his opinions within the law"*. In addition, Article 10 asserts that: *"every individual shall have the right to free association provided that he abides by the law"*. Article 11 of the charter asserts that: *"every individual shall have the right to assemble freely with others"*.
- urge the Zimbabwean government to:
 - repeal or drastically amend all restrictive legislation including the Public Order and Security Act and the Private Voluntary Organizations Act;
 - publicly condemn intimidation, harassment and torture by the police and stress that torture and other forms of human rights violations will not be tolerated;
 - take immediate steps to ensure that all law enforcement officials conduct their duties in a manner consistent with respect for human rights and that human rights are firmly entrenched in police training at all levels;

2. Write to government officials in Botswana, South Africa, and Zambia

Key targets include the **President** and **Minister of Foreign Affairs** of Botswana, South Africa and Zambia. In your letters make the following points:

- state that you are concerned about the escalating intimidation, harassment, arbitrary arrest and torture of officials of the MDC, the independent media and civil society;
- express concern that restrictive provisions of the Public Order and Security Acts (POSA) and the Private Voluntary Organizations(PVO) Act are in breach of regional and international guarantees of rights to freedom of expression, association and assembly;
- express concern that the police have used restrictive provisions of POSA and the PVO Act to harass, intimidate, arrest and torture supporters and officials of the MDC, the independent media and civil society including Amani Trust;
- point out that Article 9 of the African Charter on Human and Peoples' Rights to which Zimbabwe is party, asserts that: "*every individual shall have the right to express and disseminate his opinions within the law*". In addition, Article 10 asserts that: "*every individual shall have the right to free association provided that he abides by the law*". Article 11 of the charter asserts that: "*every individual shall have the right to assemble freely with others*".
- call upon the governments of Botswana, South Africa and Zambia to bring all possible pressure to bear on the Zimbabwean government to repeal or drastically amend all restrictive legislation including the Public Order and Security Act and the Private Voluntary Organizations Act, and promote and respect the fundamental human rights to freedom of expression, association and assembly;
- urge the governments of Botswana, South Africa, and Zambia, to use their influential voices directly and as member states of the Southern African Development Community (SADC) and the African Union (AU) to publicly signal that the repression of fundamental rights in Zimbabwe is unacceptable.

Addresses

1. Zimbabwe officials

<p>President His Excellency, The Honourable Robert Mugabe, Office of the President, Munhumutapa Building, Box 7700, Causeway, Harare, Zimbabwe.</p> <p>Fax: + 263 4 708 820/ 708 557. Salutation: Dear President</p>	<p>Minister of Justice, Legal and Parliamentary Affairs The Honourable Patrick Chinamasa Ministry of Justice, Legal and Parliamentary Affairs, 5th Floor Corner House, Private Bag 7751, Causeway, Harare, Zimbabwe.</p> <p>Fax: + 263 4 790 901/ 772 999 Salutation: Dear Minister</p>	<p>Minister of State for information and Publicity The Honourable Jonathan Moyo Ministry of State for Information and Publicity 10th Floor, Linqenda House PO Box CY 825, Causeway, Harare Zimbabwe</p> <p>Fax: +263 4 707 213 Salutation: Dear Minister</p>
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2 i) South Africa officials

<p>President His Excellency Mr Thabo Mbeki, Office of the President, Private Bag X1000, Pretoria 0001, South Africa</p> <p>Fax: +27 12 323 8246. Email: president@po.gov.za Salutation: Dear President</p>	<p>Minister of Foreign Affairs Dr NC Dlamini-Zuma, Foreign Affairs Ministry, Private Bag X152, Pretoria 0001, South Africa</p> <p>Fax: + 2712 351 0253 email: minister@foreign.gov.za, Salutation: Dear Minister</p>
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ii) Botswana officials

<p>President</p> <p>His Excellency, Mr Festus Mogae, Office of the President, Private Bag 001, Gaborone, Botswana</p> <p>Fax: +267 350 888 Email: op.registry@gov.bw Salutation: Dear President</p>	<p>Minister of Foreign Affairs</p> <p>Hon. Lt. Gen. Mompoti Merafhe, Ministry of Foreign Affairs, Private Bag 00368, Gaborone, Botswana.</p> <p>Fax: +267 313 366. Salutation: Dear Minister</p>
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iii) Zambia officials

<p>President</p> <p>His Excellency, Mr Levy Mwanawasa, Office of the President, State House, PO Box 30208, Lusaka, Zambia.</p> <p>Fax: +260 1 252 545. Salutation: Dear President</p>	<p>Minister of Foreign Affairs</p> <p>The Honourable Kalombo Mwansa, Ministry of Foreign Affairs, PO Box 50069, Lusaka, Zambia</p> <p>Fax: +260 1 250 240. email: foreignlsk@zamtel.zm Salutation: Dear Minister</p>
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Feedback

Please send copies of any replies you get from the officials of Zimbabwe, South Africa, Botswana and Zambia to: Southern Africa Team, Amnesty International, Peter Benenson House, 1 Easton Street, London, WC1 0DW, United Kingdom.