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ORAL STATEMENT BY AMNESTY INTERNATIONAL

Item 9 d: Presentation of the Activity Report of the Special Rapporteur on Human Rights Defenders

Protection of Human Rights Defenders in Zimbabwe

Chairperson, Commissioners,

Amnesty International remains deeply concerned by the repression of human rights defenders in Zimbabwe. Over the past four years, they have been subjected to threats, ongoing surveillance by state security agents, arbitrary arrests, physical violence and torture.

Several individuals have been forced to flee the country. Because they are critical of the government, human rights defenders are viewed as supporters of the political opposition, the Movement for Democratic Change (MDC) and have been branded as subversive, foreign-controlled and racist.

Amnesty International is particularly concerned by the treatment of human rights defenders belonging to the women's movement, Women of Zimbabwe Arise (WOZA). Since February 2003 WOZA activists have repeatedly been arrested by the Zimbabwe Republic Police while taking part in peaceful demonstrations to protest the worsening social, economic and human rights situation in the country. They have also been arrested while attending private meetings and for engaging in public prayer.

WOZA activists have been verbally and physically abused in police custody and denied access to lawyers, food and water. Babies and young children have been detained with their mothers, sometimes overnight in police cells.

In the first three months of 2005 no less than 300 WOZA activists were arrested or detained by police on four separate occasions, including International Women's Day. Dozens were beaten, some severely. Most recently, on 31 March police broke up a peaceful post-election prayer gathering in Harare, arresting some 260 women. Many were beaten during and after arrest. A number of the women were badly injured and had to be hospitalized. They were released the following day having been pressurized into paying "admission of guilt" fines for alleged road traffic offences. The women were reportedly told that if they did not pay fines they would remain in detention over the weekend and face charges under the repressive Public

Order and Security Act (POSA).

Amnesty International condemns the use of national legislation to suppress freedoms of expression, association and assembly and silence dissent in Zimbabwe. In particular the organization repeats its condemnation of POSA and strongly supports the recommendation made by the African Commission on Human and Peoples' Rights in the report of its 2002 Fact-Finding Mission to Zimbabwe that POSA should be amended to meet international standards for freedom of expression.

At the 36th Session of the African Commission in Dakar, Senegal, in November 2004 Amnesty International raised its serious concerns about proposed new legislation governing the operation of NGOs in Zimbabwe, which specifically targeted NGOs working on governance and human rights issues. Although the NGO Bill was passed by Zimbabwe's parliament on 9 December 2004 it has not been signed as law and current indications are that the law will be revisited by parliament. While this is welcome news Amnesty International is deeply concerned by the climate of insecurity and threat which this legislation has created amongst human rights NGOs.

Amnesty International believes that the introduction of the NGO law is a deliberate attempt on the part of the government of Zimbabwe to paralyze the activities of human rights organizations and thereby limit criticism of the government. Amnesty International views the NGO legislation as consistent with previous attempts by the government of Zimbabwe to use repressive legal measures to curtail the activities of human rights defenders and prevent the investigation, documentation and reporting of human rights violations in the country.

Amnesty International therefore calls on the African Commission to hold the government of Zimbabwe accountable under the African Charter on Human and Peoples' Rights (African Charter) by requiring it to:

- immediately cease all harassment, intimidation and other human rights violations against human rights defenders, and to fully implement the African Charter and the UN Declaration on Human Rights Defenders, by among others, respecting and ensuring the rights to freedom of expression; to assembly and association of defenders;
- make publicly clear that any legislation governing the operation of NGOs or the work of human rights defenders will be fully in line with Zimbabwe's commitments under the African Charter, and will fully reflect the provisions of the UN Declaration on Human Rights Defenders and the Resolution on the Protection of Human Rights Defenders in Africa, adopted by the African Commission at its 35th Ordinary Session in Banjul, the Gambia, in June 2004;
- repeal or amend all national legislation which is incompatible with the principles and provisions of the African Charter;
- end the legacy and culture of impunity for human rights violations;
- fully implement the African Commission's recommendations following its mission to Zimbabwe in July 2002. The African Commission should set up a working group, to be chaired by the Special Rapporteur on Human Rights Defenders, which will follow-up on the extent to which the government of Zimbabwe has implemented the recommendations, including those on the protection of the rights of defenders.

