

URGENT APPEAL - THE OBSERVATORY

ZWE 003 / 0511 / OBS 081

Arbitrary arrest /
Obstacle to freedom of peaceful assembly
Zimbabwe
May 24, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Zimbabwe**.

Description of the situation :

The Observatory has been informed by reliable sources about the arbitrary arrest by the police of Ms. **Florence Ndlovu** and Mr. **Walter Dube**, respectively Regional Coordinator for Matabeleland province and Paralegal Officer for Matabeleland, Midlands and Masvingo provinces for Zimbabwe Human Rights Association (ZimRights), as well as about the disruption by the police of a meeting convened by ZimRights on torture in Tsholotsho, Matabeleland North province.

According to the information received, on May 23, 2011, Ms. Florence Ndlovu and Mr. Walter Dube were arrested by the police as they were coming from Tshino Business Centre in Tsholotsho, where the police had earlier on disrupted a workshop that was being convened by ZimRights to raise villagers' awareness about torture and its effects, on the pretext that the meeting was unlawful.

As of issuing this Urgent Appeal, Ms. Florence Ndlovu and Mr. Walter Dube remained detained at Nyamandlovu police station in Matabeleland North province, at about 40km out of Bulawayo. In addition, two lawyers from Zimbabwe Lawyers for Human Rights (ZLHR) who had gone to deal with the case were denied access to them after mounting a rapid response to their arrest. The police denied detaining Ms. Ndlovu and Mr. Dube and claimed that the two ZimRights employees had been taken to Sipepa Business Centre despite evidence of their detention through the presence of their vehicle that was parked at the police station.

By the night of the same day, the lawyers were working on filing a *habeas corpus* petition to challenge the detention of the two ZimRights staff members.

The police action in disrupting the ZimRights workshop is in defiance of a court order which was issued on May 20 by Bulawayo Magistrate Ntombizodwa Mazhandu. Indeed, in accordance with legal provisions, on May 17, 2011, ZIMRIGHTS regional officers gave notice to the police of their intention to hold the meeting. ZimRights was then forced to engage the services of ZLHR after the Police Officer Commanding Tsholotsho District in Matabeleland North banned them from holding the workshop after claiming that "the subject of torture is not in line with Zimbabwean culture". ZLHR filed an application before the Bulawayo Magistrate Court arguing that under Section 24 of the Public Order and Security Act (POSA) they were exempt from notifying the police as this was not a political gathering. On May 20, 2011, Magistrate Mazhandu interdicted the police from disturbing or interfering in any way with the ZimRights workshop and ordered the organisation to proceed with the workshop as scheduled and promote its right to freedom of association and assembly as set out in Section 21 of the Constitution and the right to freedom of expression as guaranteed under Section 20 of the Constitution.

The Observatory deeply condemns the arbitrary arrest of Ms. Florence Ndlovu and Mr. Walter Dube, which seems to merely aim at sanctioning their human rights activities, and urges the Zimbabwean authorities to guarantee their physical and psychological integrity as well as to release them immediately and unconditionally since their detention is arbitrary.

Actions requested:

Please write to the authorities of Zimbabwe asking them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Florence Ndlovu and Mr. Walter Dube as well as all ZimRights members and all human rights defenders in the country;
- ii. Release Ms. Florence Ndlovu and Mr. Walter Dube immediately and unconditionally since their detention is arbitrary as it only aims at sanctioning their human rights activities;
- iii. In the meantime, guarantee unconditional access to their lawyers and families;
- iv. Order an immediate, thorough, effective and impartial investigation into the above-mentioned facts, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal and/or administrative sanctions provided by the law;
- v. Put an end to any kind of harassment - including at the judicial level - against Ms. Florence Ndlovu and Mr. Walter Dube as well as against all human rights defenders in Zimbabwe;
- vi. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, and Article 12.2, which provides that the State shall “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights”;
- vii. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Zimbabwe.

Addresses:

- President of Zimbabwe, Mr. Robert G. Mugabe, Office of the President, Private Bag 7700, Causeway, Harare, Zimbabwe, Fax : +263 4 708 211 / + 263.4.70.38.58;
- Mr. Khembo Mohadi, co-Minister of Home Affairs, Ministry of Home Affairs, 11th Floor Mukwati Building, Private Bag 7703, Causeway, Harare, Zimbabwe, Fax : +263 4 726 716;
- Ms. Terese Makone, co-Minister of Home Affairs, Ministry of Home Affairs, 11th Floor Mukwati Building, Private Bag 7703, Causeway, Harare, Zimbabwe, Fax : +263 4 726 716;
- Mr. Patrick Chinamasa, Minister of Justice and Legal Affairs, Fax: + 263 4 77 29 99 / +263 4 252 155;

- Mr. Augustine Chihuri, Commissioner General, Police Headquarters, P.O. Box 8807, Causeway, Harare, Zimbabwe, Fax : +263 4 253 212 / 728 768 / 726 084;
- Mr. Johannes Tomana, Attorney-General, Office of the Attorney, PO Box 7714, Causeway, Harare, Zimbabwe, Fax: + 263 4 77 32 47;
- Ms. Chanetsa, Office of the Public Protector, Fax: + 263 4 70 41 19;
- Ambassador Mr. Chitsaka Chipaziwa, Permanent Mission of Zimbabwe to the United Nations in Geneva, Chemin William Barbey 27, 1292 Chambésy, Switzerland, Fax: + 41 22 758 30 44, Email: mission.zimbabwe@ties.itu.int;
- Embassy of Zimbabwe in Brussels, 11 SQ Josephine Charlotte, 1200 Woluwe-Saint-Lambert, Belgium, Fax: + 32 2 762 96 05 / + 32 2 775 65 10, Email: zimbrussels@skynet.be.

Please also write to the embassies of Zimbabwe in your respective country.

Paris-Geneva, May 24, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29