



Zimbabwe HUMAN RIGHTS NGO Forum

Suite 4, No. 1 Raleigh Street, Harare. P.O. Box 9077, Harare, Zimbabwe
Tel: +263 242 772860, 770170, 770178. Fax: +263 242 770177

Email: admin@hrforum.co.zw

www.hrforumzim.org

10 January 2019

The Chairperson of the African Union
African Union Headquarters
P.O. Box 3243, Roosevelt Street, W21K19
Addis Ababa, Ethiopia

Your Excellency,

The Deterioration of Human Rights in Zimbabwe

We address you as the Chairperson of the African Union, the organisation founded on the fundamental ideals of Ubuntu and the custodian of the African Charter on Human and Peoples' Rights.

We are a coalition of 20 human rights organizations operating in Zimbabwe. Our work dates back to 1998 when we started assisting victims of state brutality and working towards a society that respects all human rights.

The Gravity of the Human Rights Situation in Zimbabwe

Your Excellency, we write to bring to your attention the gravity of the situation in Zimbabwe and seek the urgent intervention of your highly esteemed offices to return our country to the ideals of the founders of African Union, to ensure that all Africans enjoy human rights.

Since the 12th of January 2019, when the President of Zimbabwe announced an unprecedented increase in the cost of fuel, the Zimbabwean people have experienced a systematic attack on their basic rights with the government unlawfully imposing a 'de facto' state of emergency and deploying the soldiers to terrorize civilians. Through the bravery of many defenders of human rights, we have compiled the attached report. Seventeen people, the majority of whom are young, have been killed since 14 January this year. Recently, reports of rape and other forms of sexual violence have emerged.

Your Excellency, this state of affairs is contrary to the African Union's Agenda 2063 which is a vision of an integrated, prosperous and peaceful Africa, and the crucial goal of silencing all guns by 2020 in Africa. At least 81 people have been shot by the Zimbabwe National Army and the Zimbabwe Republic Police and have had to undergo surgery.

Flagrant Violation of the African Charter

Zimbabwe as a member of the African Union is bound by the African Charter on Human and Peoples' Rights. Zimbabweans have the right to enjoy the rights guaranteed in the African Charter. While article 3 of the African Charter guarantees that every one is equal before the law, and must enjoy equal protection of the law, Zimbabwe has violated this Charter by unlawfully imposing the state of emergency and deploying the military without following due process. To date, over 800 Zimbabweans including about 40 minors, have been subject to arbitrary arrest and detention without due process. The Zimbabwe Human Rights Commission has found that the method of arrest and detention that was used by the army and police force amounted to arbitrary arrests and detention, a crackdown as opposed to law enforcement. Not only are people being arrested and detained unlawfully, but they are also being subject to torture, inhuman and degrading treatment in violation of Article 5 of the African Charter. The Zimbabwe Human Rights Commission found that armed and uniformed members of the Zimbabwe National Army and the Zimbabwe Republic Police instigated systematic torture. The torture was organized. The Zimbabwe Human Rights Commission report is attached. Over 500 people were subjected to torture, inhuman and degrading treatments.

Attacks Against Human Rights Defenders and National Human Rights Institutions

Your Excellency, we are concerned with the increased targeting of human rights defenders. Evan Mawarire, a well-known church pastor, Rashid Mahiya, the Chairperson of Crisis in Zimbabwe Coalition, which represents many civil society organisations, Orbet Masaraure – President of the Amalgamated Rural Teachers Union of Zimbabwe, and at least 10 journalists have been systematically targeted by the Government of Zimbabwe. The Zimbabwe Human Rights Commission was verbally attacked by the Government of Zimbabwe, after releasing a report documenting systematic human rights violations during the national stay away and shutdown protests. The inability to respect the independent mandate of the Zimbabwe Human Rights Commission is extremely concerning.

We are also concerned with the attacks on civil society organizations. Many of these organisations have stepped in, providing critical services such as medical and psychosocial support, in a collapsed economy that makes accessing medical services financially impossible. The health sector in Zimbabwe has collapsed as evidenced by Zimbabwe's own leaders seeking medical treatment in other countries. Targeting organizations providing medical services to victims of torture, assault, and sexual assault is a direct violation of the right to access medical treatment enshrined in the Constitution of Zimbabwe (Section 76) and a violation of Article 16 of the African Charter. These actions not only violate the African Charter but are also contrary to the spirit of the Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa which speaks against the use of any measures, which aim at silencing human rights defenders.

Use of Live Ammunition on Civilians, Random Attacks on Children and Detention of Minors

Your Excellency, during the crackdown, at least seventeen people were killed. The majority of them were killed by the military and the police. The people who were killed posed no danger. One of the victims, was a man called Elvis Saidi who was shot in the stomach by the soldiers on 14 January 2019. Elvis's home is in a high density suburb of Harare called Mbare. From his home, Elvis saw the police throw tear gas at children who were playing soccer. Elvis rushed to help the children. He took one child to safety and returned to take the second one but before he could get the child to safety, he was shot in the back and he died on the spot. The post-mortem report, a copy of which is in our possession confirms this story. There are many tragic stories as this, of families now orphaned because the soldiers and the police decided to attack unarmed children and civilians using live ammunition leading to loss of life. This is in violation of Article 4 of the African Charter which talks about the right to life. It is also a violation of the African Charter on the Rights and Welfare of the Child which obliges states to ensure the protection of children especially in times of conflicts. We have documented over 40 minors who were arbitrarily arrested and unlawfully detained in violation of the African Charter on the Rights and Welfare of the Child.

State Attacks on the Family

Your Excellency, there is nothing as unAfrican as state attacks on the family unit which is specifically protected by Article 18 of the African Charter which obliges the State to support, protect and assist the family unit in the spirit of Ubuntu. During the period complained of, members of the Zimbabwe National Army invaded family compounds, rounded up all males and assaulted them using rifles, sjamboks and bicycle chain. Over a period of 15 days, families were terrorised and ended up staying in the mountains.

African Lives Matter: African Solution to African Problems

Your Excellency, the violations that we have documented are so gross we are not only convinced that these are crimes against humanity, but they are in sharp contrast to what the African Union stands for and the spirit of Ubuntu. While there may be many remedies for dealing with this attack on African lives, we believe that it is in your power and in the power of the African Union to ensure that there is justice and accountability for the victims and the departed, as well as healing, reconciliation and non-recurrence for the survivors. The African Union is called to stand with the victims of state brutality in Zimbabwe and affirm the sanctity of life and the primacy of safeguarding the values espoused by the African Charter - the values of life, human dignity and standing up for the weak on our continent.

It is with these in mind your Excellency, that we call upon the African Union to do the following:

- Condemn in the strongest terms the violations of human rights in Zimbabwe.
- Deploy a fact finding mission to Zimbabwe to uncover the whole truth regarding the events emanating from the fuel riots on 14 January 2019.
- Set up a special committee of the African Union under the leadership of the Special Rapporteur on Rights of Women in Africa to investigate reports of rape of women in Zimbabwe by the Zimbabwe National Army.
- Request the government of Zimbabwe to end the de-facto state of emergency, withdraw all soldiers from the streets, and release all victims of arbitrary arrests.
- Request the government of Zimbabwe to cease with immediate effect all attacks on civil society leaders and political activists that have been targeted since January 2019.
- Support the efforts of the Zimbabwean people to initiate an inclusive national dialogue process that goes beyond the political actors, but brings together all stakeholders to find a lasting solution to the crisis in Zimbabwe.

Your Excellency, we in African today believe that African lives matter. There is hope that Africa can solve its own problems and there is no better platform than the African Union's own vision 2063 to be an inspiration to assist the people of Zimbabwe. We look forward to your positive intervention to stop the violations of human rights in Zimbabwe.

Yours faithfully

Jestina Mukoko (Ms)
Chairperson

Cc, Chairperson of the African Union Commission, Special Rapporteur on Rights of Women in Africa, Special Rapporteur on Freedom of Expression, Special Rapporteur on Human Rights Defenders

Members of the Zimbabwe Human Rights NGO Forum

Amnesty International (Zimbabwe), Catholic Commission for Justice and Peace (Zimbabwe), Counseling Services Unit, Civic Education Network Trust, Gays and Lesbians of Zimbabwe, Justice for Children, Legal Resources Foundation, Media Institute for Southern Africa, Media Monitoring, Research and Advocacy Unit, Transparency International (Zimbabwe) VERITAS, Women of Zimbabwe Arise, Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender, Zimbabwe Civic Education Trust, Zimbabwe Association of Doctors for Human Rights, Zimbabwe Human Rights Association, Zimbabwe Lawyers for Human Rights, Zimbabwe Peace Project, Zimbabwe Women Lawyers Association.

AI(Z) • CCJPZ • CSU • CIVNET • GALZ • JCT • LRF • MISA • MMPZ • RAU • TI(Z) • VERITAS • WOZA • ZACRO • ZIMCET • ZADHR • ZimRights • ZLHR • ZPP • ZWLA