



**Statement to the African Commission on Human and Peoples' Rights  
at the 65th Ordinary Session of the African Commission on Human and Peoples' Rights  
under Agenda Item 4e**

**21 October-10 November 2019**

**Statement on the Overall Human Rights Situation in Zimbabwe**

Honorable Chairperson, Commissioners; Heads of Government; civil society representatives; ladies and gentlemen.

The Zimbabwe Human Rights NGO Forum (the Forum) welcomes the opportunity to address you on the human rights situation in Zimbabwe at a time when Zimbabwe is on the Commission Agenda.

The human rights situation in Zimbabwe has continued to deteriorate since the last inter-session. Honourable chairperson, we are presenting this statement against the background of the recent visit by the UN Special Rapporteur on Freedom to Peaceful Assembly and Association in September. The Special Rapporteur in his preliminary findings raised concerns over the human rights situation in Zimbabwe that impacts on the enjoyment of freedoms of assembly and association by the citizens.

Violations of fundamental rights and freedoms remain worrisome. Systematic targeting of human rights defenders including trade union leaders, artistes perceived to be critical to government and opposition political leaders, through judicial harassment, abductions, torture, hate speech, have been on the increase. Section 22 of the Criminal Law (Codification and Reform) Act on "subverting a constitutional government" has been widely used to persecute human rights defenders, civil society and opposition leaders for exercising their freedoms of assembly and association. The crime is similar to treason and could attract up to 20 years of imprisonment. This year alone, 22 individuals are facing this criminal charge. For example, in May 2019, 7 (seven) HRD were arrested and detained, for attending a workshop in Maldives organised by a Serbian Non-governmental Organisation called Centre for Applied Non-violent Action and Strategies (Canvas). This is a clear sign of criminalisation of human rights activism. This act is not only an affront the Charter but is also contrary to the spirit of the Cotonou Declaration on strengthening and expanding the protection of all human rights defenders in Africa.

Honourable Chairperson, we have also witnessed the failure by the Government of Zimbabwe to guarantee citizens' right to the security and integrity of person during the inter-session. The Forum is concerned by the surge in abductions and torture cases targeting mainly human rights activists, union leaders and opposition political activists. Since January, at least 67 cases of abductions have been documented.

These follow a consistent pattern of masked and armed personnel storming victims' homes at night, abduct, severely torture before dumping them. Some of the cases documented between June and September include that of:

Obert Masaraure, President of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ); Samantha Kureya, a comedian who uses satire to highlight and criticise arbitrary government policies and practices, Tatenda Mombeyarara a civil society activists; and Dr Peter Magombeyi, the acting President of the Hospital Doctors Association who was leading protests for a decent salary for Junior Doctors as well as improved safe working conditions. Dr Magombeyi was later detained by the police while in hospital who denied him to leave the hospital to South Africa to seek specialised health care until his lawyers intervened.

The Forum is also extremely concerned that torture continue to be used by enforcement agents with impunity. Just a few days ago, Hilton Tamangani a vendor, was tortured by the police and died while in custody.

To date, there has not been any genuine investigations into these incidences despite reports being made to the police. Instead, the Government of Zimbabwe has imputed blame on an unidentified 'third force'. We urge the Commission to call upon the government of Zimbabwe to ensure that the right of the security of the person is guaranteed in Zimbabwe and those responsible for these heinous acts are brought to account.

Honourable Chairperson, despite the Constitution of Zimbabwe guaranteeing the freedom of peaceful assembly and the right peaceful protest, the exercise and assertion of these rights are presumed unlawful by the authorities. Arbitrary and blanket prohibitions have been imposed on protest with those asserting their right to protest being criminalised. In August 2019, the state issued a blanket prohibition on all protests that had been planned by the opposition MDC-A. Citizens who attempted to assert their rights were brutally assaulted and tortured by the police.

There is also a worrisome trend on the use of military in managing protests which contradicts international standards on Policing of Assemblies by Law Enforcement Officials in Africa. The Government of Zimbabwe has not put in place effective and adequate measures to ensure that the responsibility of maintaining public order is upheld by civilian rather than military authorities. In that regard, we remain extremely concerned that the recommendations of the Motlanthe Commission into the August 1 shootings which resulted in the killing of at least six people by the security forces have not been implemented.

The operating environment for CSOs remain restrictive. Administrative barriers through the demand for MOUs by district coordinators have hindered the effective operation of CSOs in the communities. There is no legal basis for these MOUs. In addition, a number of CSOs have also reported increased surveillance, threats and intimidation by state agents designed to dissuade them from carrying out their work.

Madam chairperson, the current economic crisis in Zimbabwe has resulted in the erosion of income and decline of livelihood of majority of citizens. The healthcare system is in a deplorable state. This has been compounded by the failure by government to come up with a durable solution aimed at addressing the genuine concerns by medical professionals.

Medical professionals withdrew their services for close to two months now, citing poor conditions of service, shortage of drugs and equipment, including consumables such as safety wear. This current deadlock has a tremendous effect on the ability by majority of citizens to access health care, thereby posing a huge threat on the right to life.

Honourable chairperson, it is regrettable that the Government of Zimbabwe, instead of focusing on adopting measures aimed at resolving these challenges, it has invested the much-needed resources into repression. The systematic targeting and harassment of those seeking to air their concerns is not progressive and will not take the country forward. We urge the Commission to encourage the Government of Zimbabwe to invest in genuine dialogue with its citizens in order to come up with a lasting solution to this crisis.

We request the Honourable Commission to call upon the Government of Zimbabwe to respect, protect and fulfill its obligations under the Charter, and in particular to:

1. Cease the ongoing attacks against HRDs and union leaders;
2. Unconditionally withdraw all criminal charges against HRDs, civil society leaders and union leaders who were arrested for exercising their right to freedom of peaceful assembly and association;
3. Create an enabling environment for civil society work
4. Investigate all allegations of human rights violations, including abductions and torture and bring those responsible to account;
5. Ratify and domesticate the UN convention against torture and the Convention on the protection of all persons against enforced disappearances;
6. Adopt effective measures to resolve the current impasse with the medical personnel to ensure access to healthcare facilities by citizens; and
7. Come up with durable a solution to the on -going economic crisis

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