

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	105
Land:	Zimbabwe
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report – Quarterly Updates: Zimbabwe
Udgivet:	30. september 2012
Optaget på baggrundsmaterialet:	3. januar 2013

Recommended citation:

FCO - UK Foreign and Commonwealth Office: Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report -Quarterly Updates: Zimbabwe, 30 September 2012 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/228782/336871_en.html (accessed 06 December 2012)



Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report -Quarterly Updates: Zimbabwe

Quarterly Updates: Zimbabwe

Latest Update: 30 September 2012

The human rights environment in Zimbabwe during the period July to September continued to follow the trend seen over previous months with a decline in violence but increase in concerns around intimidation and targeted attacks. Although relatively calm compared to the peak of 2008 we continue to remain concerned by reports from NGOs and civil society groups that low-level harassment remains prevalent and appears to be increasing.

On 2 July, nine members of Women of Zimbabwe Arise (WOZA) were arrested in Bulawayo for writing political messages on a tarmacked road. Their arrests were in relation to an ongoing campaign by WOZA called “occupy and demand the draft constitution” which they have been conducting since May 2012. All nine members arrested were held in Bulawayo Central police station for three days in appalling conditions and had to seek medical attention. Four separate trials, held in Western Commonage Court in Bulawayo, began in August and on 10 September the magistrates found them guilty of ‘disfiguring property’. Eight of the nine members were convicted and given harsh sentences, with one being acquitted. Four of the members were fined USD \$100 each and a High Court appeal has been submitted to challenge this sentence.

On 3 July, Abel Chikomo, the executive director of the Zimbabwe Human Rights NGO Forum was served with summons by the State to stand trial for running an “unregistered” organisation. The trial did not commence as the State prosecutor withdrew the summons on 25 July stating the State was not ready to proceed. This issue has been ongoing for some time and it seems likely that the State is using this to harass Abel Chikomo. An official from the British Embassy attended Rotten Row Magistrates’ Court on 25 July to observe the court case.

In July, the Electoral Amendment Bill and the Human Rights Commission Bill passed through both Houses of Parliament. The two Bills are now waiting for Presidential assent before they are passed

into law. The Human Rights Commission has appointed six Commissioners; although progress has been slow, as they are waiting until the new legislation is passed. These developments are widely welcomed, but civil society groups have expressed concern that the Human Rights Commission does not conform to the 'Paris Principles'.

We previously reported that after much delay there was progress on the constitution-making process with the Constitutional Select Committee (COPAC) agreeing a draft endorsed by the three parties on 18 July. Subsequently, ZANU PF put forward their own draft and the process stalled again. ZANU PF seems to have set aside their draft and all the parties have agreed that the COPAC version will be considered by a Second All Party Stakeholder Conference probably in October. We call on all parties to preserve the integrity of the Global Political Agreement and work with the Southern Africa Development Community (SADC) to continue to make progress.

On 11 August, the Zimbabwe Republican Police (ZRP) raided the offices of the NGO Gays and Lesbians of Zimbabwe (GALZ). Police assaulted and detained 44 members of the group, who were denied access to lawyers before being released without charge. The raid was instigated following the launch of the GALZ Violations Report and public briefing on the Constitution. We have seen continued intimidation and harassment of GALZ members, with their offices raided again on 20 August. GALZ have been charged with running an illegal organisation and are due to be called to court. This incident highlights ZANU-PF's intolerance of the rights of Zimbabwe's sexual and gender minorities and violating rights of freedom of expression and association. The EU issued a statement on 17 August condemning the attack.

We previously reported that the trial against the 29 MDC-T Youth members arrested on suspicion of murdering a police officer, Inspector Petros Mutedza, in Glen View on 29 May 2011 began in early June. The trial for the 29 was temporarily adjourned in July due to the deterioration of the health of one of the accused, Nyamadzawo Gapare. Mr Gapare has since recovered and is able to stand trial with the others. On 12 September the Zimbabwe High Court held the first Bail Application Hearing for the Glen View 29. All 29 continue to be held in custody in Harare's Remand Prison where they have been held without charge for more than 16 months. There remains concern over the health of some of those detained.

Latest Update: 30 June 2012

The human rights environment in Zimbabwe in the second quarter of 2012 remained relatively calm, compared to the peak of abuses witnessed in 2008. According to Zimbabwe Peace Project figures, incidents of human rights abuses reported in the first four months of 2012 dropped by over 40% from the same period of 2011. However, we remain concerned by reports from NGOs and civil society groups that low-level harassment remains prevalent and appears to be increasing, such as disruption of MDC-T meetings and people being forced to join ZANU-PF. The state has continued its targeting of activists from the Movement for Democratic Change – Tsvangirai formation (MDC-T).

We are pleased the UN High Commissioner for Human Rights, Navi Pillay, was invited to and visited Zimbabwe in May. This was the first ever visit by a UN High Commissioner for Human Rights to the country and marks a positive step forward. It is important that the Government of Zimbabwe continues such interaction and dialogue so that it can be transparent and improve on its human rights record. In her final statement Ms Pillay recognised the progress made in Zimbabwe

over recent years but also highlighted concerns, including the political polarisation between parties in the power-sharing government, that continue to have an impact on human rights.

We are appalled that an MDC-T rally in the Mudzi district of Mashonaland was violently disrupted by alleged ZANU-PF supporters the day after High Commissioner Pillay's visit. This resulted in the death of Cephas Magura, the local MDC ward chairperson, who died on the scene as a result of his injuries. Seven other MDC members received treatment for injuries, including three who were admitted to hospital. The EU issued a statement on 5 June condemning the violence and urging the police and the Attorney General's office to bring the alleged perpetrators and instigators to justice. Our Ambassador to Zimbabwe has raised this incident and expressed her concerns to senior ZANU-PF figures.

We reported last year that a police officer was tragically killed in Glen View on 29 May 2011. Twenty nine MDC-T members were arrested for this incident and their trial begun in early June. All 29 are in custody in Harare's Remand Prison.

We are encouraged by the Southern African Development Community (SADC) communiqué following the SADC summit in Luanda in late May in which they re-emphasised the need for political reforms – including a new constitution – before any elections take place in Zimbabwe.

We are pleased to report that after much delay there has been some progress on the constitution-making process. A draft has been produced, although agreement has yet to be reached on areas such as devolution, dual citizenship and the number of vice presidents. The next steps, once the draft has been accepted by the three main political parties, will be for a second all-stakeholder conference followed by a referendum.

In May, Hwange Magistrates acquitted the Minister of National Healing and Reconciliation, Moses Mzila-Ndlovu, due to lack of evidence. Mr Mzila-Ndlovu was arrested in Lupane, Matabeleland North in April last year on charges of communicating false statements after addressing a meeting to commemorate the Gukurahundi military campaign. The case of Roman Catholic Priest, Father Marko Mabutho Mnkandla, who was also arrested at the same event, has not yet been resolved.

We reported last year that Anglicans in Harare were prevented from entering their church premises by police because the self-proclaimed "Bishop" Nolbert Kunonga had declared himself the rightful owner of their properties and was refusing to let anyone enter. Anglican clergy and their families have been forced to leave their homes and church-owned schools and orphanages have been disrupted by the police. Similar incidents took place in Manicaland. This situation continues and Anglicans in these areas are being forced to conduct church services away from their premises in tents, school halls and under trees.

Quarter One Update: 31 March 2012

The human rights situation in the first quarter of 2012 was relatively calm compared to the peak of abuses witnessed in 2008. However, we received reports from NGOs and civil society groups of continued incidents of politically-motivated violence/harassment targeting Movement for Democratic Change (MDC) activists and civil society.

In early January the Movement for Democratic Change – Tsvangirai (MDC-T) reported that police officers assaulted MDC-T activists outside their headquarters in Harare and that eight activists were arrested. One of those arrested, Barnabas Mwanaka, sustained a broken leg during the assault.

The case of 29 MDC-T activists who were arrested for allegedly murdering a police officer in Glen View continued through this quarter. Just two weeks after some of the activists were finally granted bail, all 29 were indicted for trial at the High Court and remanded back into custody. They were all charged with murder (which carries the death penalty in Zimbabwe). The group applied to the High Court for bail but no ruling had been given at the time of writing.

Munyaradzi Gwisai and five others who were arrested in February last year for watching a DVD of events in North Africa were convicted of conspiracy to commit public violence and sentenced to two years suspended for five years, \$500 dollar fines and 420 hours of community service.

The MDC-T MP for Chimanimani West, Lynette Karenyi, was arrested in December for insulting the President and spent the Christmas holiday in Mutare Remand Prison. The Ambassador met Honourable Karenyi after the MP's release and was very concerned to hear that prosecutors had invoked Section 121 of the Criminal Procedure and Evidence Act, revoking the Magistrate's bail order. The MP has now challenged the constitutionality of this law and the case has been referred to the Supreme Court.

The MDC-T MP for Chipinge South, Meki Makuyana, finally heard that the appeal against his 2009 conviction for kidnapping had been successful. High Court Judges ruled that the original magistrate had incorrectly placed the onus on the MP and his co-accused to prove their innocence. Honourable Makuyana, who was suspended in 2009 as a result of his conviction, has now once again taken up his parliamentary duties.

In January, another long-running case was finally brought to an end. Calbin Ncube, Mpumelelo Donga and Gift Mlala were arrested in February 2011 for allegedly possessing cartoons that insulted President Mugabe. The three youths were acquitted at Bulawayo Magistrates' Court.

Some civil society groups have reported continued harassment this quarter. In February, the Governor of Masvingo Province, Titus Maluleke, held a press conference where he accused 29 NGOs of ignoring calls to renew their annual registration and subsequently suspended their operations. This has raised concerns within civil society of a possible crackdown on NGOs in advance of elections.

In early February, Jenni Williams and Magodonga Mahlangu of Women of Zimbabwe Arise (WOZA) met with members of Zimbabwe's Joint Monitoring and Implementation Committee (JOMIC) to complain about abuses committed by the Police. While this meeting was taking place, WOZA members were commemorating the 10th anniversary of WOZA and demonstrating outside the JOMIC office against the injustices against their members. Police intervened to break up the demonstration and as Mrs Williams and Ms Mahlangu were leaving the JOMIC building they were arrested along with seven other WOZA members and five bystanders. The nine arrested were charged with criminal nuisance and are facing trial.

In another WOZA case, there were credible reports that seventeen members were arrested on 19 January and tortured by officers at Donnington police station. Six members were made to sit on 'air

chairs' and police put a plastic bag over the head of one member. After being held for about eight hours, the WOZA members were released without charge.

At the 19th session of the UN Human Rights Council in March, the government of Zimbabwe adopted further recommendations made by member states during Zimbabwe's Universal Periodic Review process in October 2011. Out of 177 recommendations, the government of Zimbabwe accepted 115. We welcome Zimbabwe's decision to accept three out of the UK's four recommendations. These were: to take additional steps to ensure that the legislation establishing the Zimbabwe Human Rights Commission is fully compliant with the Paris Principles and includes guarantees for independence in order for the Commission to see accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC); to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); to re-issue an invitation to the UN Special Rapporteur on Torture.
