

URGENT APPEAL - THE OBSERVATORY

New information
ZWE 003 / 0511 / OBS 081.1
Release / Judicial harassment
Zimbabwe
June 1, 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), has received new information and requests your urgent intervention in the following situation in **Zimbabwe**.

New information:

The Observatory has been informed by reliable sources about the release and judicial harassment faced by Ms. **Florence Ndlovu**, Regional Coordinator for Matabeleland province of the Zimbabwe Human Rights Association (ZimRights).

According to the information received, on May 27, 2011, Ms. Florence Ndlovu was charged for "communicating false statements prejudicial to the State" under Section 31 (2) (b) of the Criminal Law and Codification Reform Act and released on a bail of 35 Euros after almost a week in detention. The trial was scheduled to start on June 24, 2011.

The Observatory welcomes Ms. Florence Ndlovu's release on bail and thanks all the persons, institutions and organisations who intervened in her favour. However, the Observatory strongly condemns the ongoing judicial harassment against her, and calls upon the Zimbabwean authorities to put an end to such acts of intimidation and harassment as they merely seem to aim at sanctioning her human rights activities.

Background Information :

On May 23, 2011, Ms. Florence Ndlovu was arbitrarily arrested by the police, together with ZimRights paralegal officer for Matabeleland, Midlands and Masvingo provinces, Mr. **Walter Dube**, as they were coming out of a workshop in Tsholotsho, Matabeleland North province. This arrest had taken place soon after the police disrupted the workshop, which had been organised by ZimRights to raise villagers' awareness on torture and its effects.

The two defenders were detained during three days without any access to their lawyers. During the first 48 hours of their detention, the Zimbabwean police even denied holding the two activists. It is only in the late afternoon of May 26, 2011 that the police confirmed their detention at Lupane police station. Later on the same day, Mr. Dube was released without charges, while Ms. Ndlovu was maintained in detention. While in prison, the activists were kept in overcrowded cells, living in precarious sanitary circumstances.

The police alleged that Ms. Ndlovu told villagers who participated in ZimRights workshop that the "police torture and assault people". However, Ms. Ndlovu denied the allegations and indicated that she only spoke about examples and scenarios of torture.

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, Mr. Walter Dube as well as all ZimRights members and all human rights defenders in the country;

- ii. Put an end to any kind of harassment - including at the judicial level - against Ms. Florence Ndlovu as well as against all human rights defenders in Zimbabwe;
- iii. 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”;
- iv. 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, June 1, 2011

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

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
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