



EUROPEAN PARLIAMENT

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Plenary sitting

5.2.2013

B7-0072/2013

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on detention of human rights activists in Zimbabwe
(2013/2536(RSP))

**Louis Michel, Sarah Ludford, Marietje Schaake, Marielle de Sarnez,
Robert Rochefort, Ramon Tremosa i Balcells, Kristiina Ojuland, Johannes
Cornelis van Baalen, Hannu Takkula, Sonia Alfano**
on behalf of the ALDE Group

European Parliament resolution on detention of human rights activists in Zimbabwe (2013/2536(RSP))

The European Parliament,

- having regard to its previous resolutions, most recently that of 21 October 2010 on forced evictions in Zimbabwe, of 07 April 2011 on Zimbabwe, and of 17 January 2013 on the implementation of the Interim economic partnership Agreement (IEPA) between the European Community and the Eastern and Southern Africa states, in the light of the current situation in Zimbabwe,
- having regard to Council of the European Union conclusions of 23 July 2012 on Zimbabwe and to Council Implementing Decision 2012/124/CFSP concerning restrictive measures against Zimbabwe,
- having regard to the EU declaration by the High Representative for Foreign Affairs and Security Policy Catherine Ashton on 15 February 2011 on Zimbabwe,
- having regard to the EU Delegation to the Republic of Zimbabwe statements of 17 August 2012, and of 12 November 2012 on the recent incident of harassment of human rights defenders,
- having regard to UN High Commissioner for Human Rights (HCHR) statements of 24 May 2012 in which she urges Zimbabwe's President to ensure peaceful elections, and of 29 May 2012 in which she called for Zimbabwe's political actors to ensure that key reforms agreed in the Global Political Agreement (GPA) are enacted and cautioned; having regard to the statement of the spokesperson for the Office of the High Commissioner for Human Rights (OHCHR) of 18 January 2013 on the recent attacks on human rights defenders ahead of elections,
- having regard to the Global Political Agreement (GPA) that created the Zimbabwean Government of National Unity (GNU) in February 2009,
- having regard to the Human Rights Commission Act, appointed in March 2010, and fully operational since October 2012,
- having regard to the African Charter of Human and Peoples' Rights of June 1981, which Zimbabwe has ratified,
- having regard to the African Charter on Democracy, Elections and Governance of January 2007, which Zimbabwe has ratified,
- having regard to the Universal Declaration of Human Rights of December 1948,
- having regard to the Geneva Convention of August 1949,
- having regard to the UN Declaration on Human Rights Defenders of December 1998,

- having regard to the Constitutive Act of the African Union signed in Lomé, of July 2000,
 - having regard to the Cotonou Agreement of June 2000 and revised in June 2010,
 - having regard to the UN Millennium Declaration of 08 September 2000, which sets out the Millennium Development Goals,
 - having regard to Art. 122 of its rules of procedure,
- A. Whereas Okay Machisa, National Executive Director of Zimbabwe Human Rights Association (ZimRights) and Chairperson of the Crisis in Zimbabwe Coalition, was arrested on 14 January 2013,
 - B. Whereas Okay Machisa was charged with 'publishing falsehoods', 'forgery' and 'fraud', and so contravening Section 31, 136 and 137 of the Criminal Law (Codification and Reform) Act, allegedly attempting to defraud the Registrar General's Office by forging and manufacturing counterfeit copies of certificates of voter registration,
 - C. Whereas Okay Machisa remained in detention in Harare and Rhodesville police stations; whereas he was released on bail by High Court Judge Justice Felistas Chatukuta on 29 January 2013,
 - D. Whereas his hearing was postponed four consecutive times by the High Court Judge; and whereas the High Court Judge ruled that Harare Magistrate Tendai Mahwe had erred when he dismissed Okay Machisa's bail application filed in the lower court on 15 January 2013,
 - E. Whereas he was nevertheless condemned to pay \$500 bail, surrender his passport, report once every week on Fridays at Harare Central Police Station and continue residing at his given residential address; whereas the Judge also ordered Machisa to surrender title deeds to an immovable property worth more than \$50 000 as security,
 - F. Whereas it is not the first time Okay Machisa is being arrested by Zimbabwe Republic Police (ZRP): the human rights defender was indeed arrested in March 2010 while ZimRights was organising a photo exposition to raise awareness among Zimbabwe's population on the fact that violence and intimidation never amount to anything,
 - G. Whereas other members of ZimRights, Leo Chamahwinya, Education Programs Officer and Dorcas Shereni, Highfields local chapter Chairperson, are also facing arbitrary detention and judicial harassment and are still remanded until 04 February 2013, decision taken by the Magistrate Court on 21 January 2013,
 - H. Whereas the arrest and detention of Machisa, Chamahwinya and Shereni followed a police raid on the ZimRights offices on 13 December 2012,
 - I. Whereas the November 05 2012 raid by police on the office of the Zimbabwean Counselling Services Unit (CSU), a registered medical clinic which provides medical and

counselling services to victims of organized violence and torture, and the detention of three staff members without formal charges is alarming,

- J. Whereas an effective Human Rights Commission is an important step in the implementation of the Global Political Agreement and of the agreed roadmap for peaceful and credible elections,
 - K. Whereas UN Office of the High Commissioner for Human Rights (OHCHR) is very concerned about these attacks on human rights defenders and about the future election process in Zimbabwe; and whereas EU expressed its concerns at several occasions on this kind of cases (October 2010, April 2011, August 2012, November 2012);
 - L. Whereas the steps taken by the Government of National Unity (GNU) to improve the freedom and prosperity of the Zimbabwean people are encouraging,
 - M. Whereas the regional organisation of the Southern Africa Development Community (SADC) has a role to play being a guarantor of the Global Political Agreement,
 - N. Whereas an agreement has been recently reached by Zimbabwe's political parties on a final draft of a Constitution,
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- 1. Calls on the Government of Zimbabwe to take all necessary measures to ensure that no-one is subjected to harassment of any kind -including at the judicial level- or intimidation for addressing human rights issues;
 - 2. Recalls that the freedom of assembly, association and expression are essential components in any democracy, and in particular in the context of concluding the constitution-making process as well as in preparing for democratic elections;
 - 3. Recalls that under the Global Political Agreement (GPA), Zimbabwe has to ensure that both its legislation and its procedures and practices are in accordance with international human rights principles and laws;
 - 4. Welcomes the announce of the release on bail of Okay Machisa and asks for the charges against the three human rights defenders of ZimRights to be dropped;
 - 5. Hopes the quick release of the other members of ZimRights as well as of all human rights defenders in Zimbabwe;
 - 6. Recalls the Zimbabwe Republic Police (ZRP) to respect the country's international human rights obligations and to demonstrate impartiality in order to generate faith in these important political processes;
 - 7. Supports in this context an active participation of the SADC and considers that the regional organisation has an important role to fulfil as a guarantor to the GPA including insisting on the implementation of the agreement and in particular, its article 13 to ensure a non-partisan way of acting of the ZRP;

8. Invites SADC and African Union to deploy election observers to Zimbabwe early and in sufficient numbers, and maintain them on the ground after elections to deter violence and intimidation, and in this context, to cooperate with the Human Rights Commission;
9. Urges the Zimbabwean authorities, to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights and in particular, to ensure a credible referendum as free and fair elections in a peaceful atmosphere, to enable the targeted measures to be suspended;
10. Supports, as mandated in the recently gazetted Amendment to the Electoral Act, in this electoral context, the active participation of the Human Rights Commission, which should deal independently and transparently with the pressing human rights issues, and is expected to investigate human rights complaints, to advice on human-rights-friendly legislation, and to promote and protect human rights in general;
11. Expresses its readiness to cooperate with the Human Rights Commission,
12. Encourages the Government of National Unity (GNU), formed in 2009, to continue its efforts to stop the violence in the country, while being aware of the many challenges face by the GNU;
13. Reaffirms its partnership with the people of Zimbabwe and calls on all the parties to seize the momentum to complete the Global Political Agreement (GPA) in preparation of the future elections;
14. Takes note of the call by Président Mugabe and Prime Minister Tsvangirai' determination to forge peace and respect for human rights and encourages all Zimbabweans to join these unambiguous calls against violence and violations of human rights;
15. Welcomes the recent agreement on a final draft of a Constitution that will be put to a referendum ahead of the future elections;
16. Instructs its President to forward this resolution to Zimbabwe's Prime Minister, Zimbabwe's Minister of Law and Justice, the High Representative of the Union for Foreign Affairs and Security Policy, the Presidents of parliament of the EU Member States and the UN Secretary-General as well as the UN OHCHR.