

## **P7\_TA-PROV(2013)0059**

### **Detention of human rights activists in Zimbabwe**

#### **European Parliament resolution of 7 February 2013 on the detention of human rights activists in Zimbabwe (2013/2536(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Zimbabwe, most recently of 17 January 2013 (2013/2515(RSP)),
  - having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part, and the European Community, on the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
  - having regard to the 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 on Zimbabwe by the High Representative for Foreign Affairs and Security Policy, Catherine Ashton, on 15 February 2011,
  - having regard to the EU Delegation to the Republic of Zimbabwe's statements of 17 August 2012 and of 12 November 2012 on recent incidents of harassment of human rights defenders,
  - having regard to the statements by the UN High Commissioner for Human Rights (HCHR) of 24 May 2012 and of 29 May 2012,
  - having regard to the statement by the spokesperson for the Office of the High Commissioner for Human Rights (OHCHR) of 18 January 2013 on recent attacks on human rights defenders ahead of elections,
  - having regard to the UN Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals,
  - 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 UN Declaration on Human Rights Defenders of December 1998,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas there has been a marked increase in intimidation, arbitrary arrests, judicial harassment and disappearances of human rights activists and political opponents of Robert

Mugabe's Zanu-PF in a period that is now seen as the run-up to elections, with many MDC members, several MDC MPs, and key members of the MDC leadership, such as Energy Minister Elton Mangoma, co-Home Affairs Minister Theresa Makone and ousted Speaker of the Zimbabwean Parliament Lovemore Moyo, being targeted;

- B. whereas Okay Machisa, National Executive Director of the Zimbabwe Human Rights Association (ZimRights) and Chairperson of the Crisis in Zimbabwe Coalition, was arrested on 14 January 2013;
- C. whereas Okay Machisa was charged with 'publishing falsehoods', 'forgery' and 'fraud', thus contravening Sections 31, 136 and 137 of the Criminal Law (Codification and Reform) Act and allegedly attempting to defraud the Registrar General's Office by forging and manufacturing counterfeit copies of certificates of voter registration;
- D. whereas Okay Machisa remained in detention in Harare and Rhodesville police stations; whereas he was granted bail by the High Court subject to excessive conditions;
- E. whereas other members of ZimRights – Leo Chamahwinya, the Education Programmes Officer, and Dorcas Shereni, the Highfields local chapter Chairperson – are also facing arbitrary detention and judicial harassment and are remanded until 4 February 2013 under a decision taken by the Magistrate Court on 21 January 2013;
- F. whereas the arrest and detention of Machisa, Chamahwinya and Shereni followed a police raid on the ZimRights offices on 13 December 2012;
- G. whereas these arrests occurred just a few weeks after ZimRights denounced the trend of increasing police brutality across Zimbabwe and called for urgent action by the competent authorities to address these human rights violations;
- H. whereas the 5 November 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 organised violence and torture, and the detention of three staff members without formal charges, gives cause for alarm;
- I. whereas freedom of assembly, association and expression are essential components of any democracy, particularly in the context of concluding the constitution-making process and preparing for democratic elections;
- J. whereas the Zimbabwean NGOs which were raided by police in 2012 include the Zimbabwe Human Rights Association (Zimrights), the Counselling Services Unit (CSU), the Zimbabwe Human Rights NGO Forum, the Election Resource Centre (ERC), and the Gays and Lesbians Association of Zimbabwe (GALZ);
- K. whereas a coalition government was formed in 2009 following a power-sharing deal agreed in September between ZANU-PF and MDC to put an end to the political deadlock and human rights violations after the legislative and presidential elections in 2008;
- L. whereas the Government of National Unity (GNU) undertook in its Global Political Agreement (GPA) to create a new constitution, respect human rights and the freedom of political activity and revive the economy; whereas despite demanding an end to EU restrictive measures, it has failed to meet its obligations under the GPA, has struggled to

bring stability to the country and has failed to pave the way for a democratic transition through credible elections, due to deliberate Zanu-PF obstruction;

- M. whereas an effective Human Rights Commission would be an important step in the implementation of the Global Political Agreement and of the agreed roadmap for peaceful and credible elections;
  - N. whereas provisions regarding good governance, transparency in political offices and human rights have to be respected in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement;
  - O. whereas the economic recovery of the country is still fragile and certain State policies pose a threat to future economic relations between the Union and Zimbabwe;
1. Condemns the continuing violation of human rights, including the political intimidation, harassment and arbitrary arrest of human rights activists;
  2. Calls upon the authorities of Zimbabwe to release all human rights defenders detained for exercising human rights activities, to end judicial harassment and to fully investigate abuses faced by human rights defenders;
  3. Calls upon the authorities of Zimbabwe to release Ms Dorcas Shereni and Mr Leo Chamahwinya immediately and unconditionally;
  4. Calls upon the authorities of Zimbabwe to guarantee in all circumstances the physical and psychological integrity of Messrs Okay Machisa and Leo Chamahwinya, Ms Dorcas Shereni and Ms Faith Mamutse;
  5. Calls on Zimbabwe to abide by the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998, and in particular Article 1 thereof, which states that ‘everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels’;
  6. Recalls that under the Global Political Agreement (GPA) Zimbabwe committed to ensuring that both its legislation and its procedures and practices are in accordance with international human rights principles and laws;
  7. Calls on the GNU to bring changes to repressive laws such as the Access to Information and Protection of Privacy Act, the Public Order and Security Act, and the Criminal Law (Codification and Reform) Act before holding the general election, as these laws have been used to severely curtail basic rights;
  8. Is concerned that there have been no changes to date to Zimbabwe’s justice system which is widely considered as extremely partisan towards Zanu-PF;
  9. Supports, as mandated in the recently gazetted Amendment to the Electoral Act and 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 advise on human-rights-friendly legislation, and to promote and protect human rights in general;

10. Acknowledges the establishment of the Zimbabwean Human Rights Commission but is concerned that it has not been given any significant capacity with which to act independently and fulfil its objectives with regard to the pressing human rights issues facing the country;
11. Calls on the Zimbabwean Government to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights and, in particular, to organise a peaceful and credible constitutional referendum and electoral preparations that meet recognised international standards, so that the targeted measures can be suspended;
12. Urges in this context more active participation by the Southern African Development Community (SADC); considers that this regional organisation has an important role to play as guarantor to the GPA, insisting *inter alia* on the implementation of the agreement and in particular Article 13 thereof to ensure non-partisan action by the police and other security forces;
13. Calls on the SADC to assess the human rights situation and the SADC Principles and Guidelines Governing Democratic Elections before the organisation of the upcoming elections in Zimbabwe;
14. Urges the deployment of international observers, in particular from the SADC and Pan-African Parliament, at an early stage and in sufficient numbers, and that they remain on the ground before and after the elections to deter violence and intimidation, and in this context, to cooperate with the Human Rights Commission;
15. Supports the EU's targeted measures currently in place, which are a response to the political and human rights situation in Zimbabwe, with annual decisions allowing the EU to keep senior figures in the Zimbabwe Government under constant review; urges the GNU to take the necessary steps that would enable those measures to be suspended in due course;
16. Calls on the EU delegation in Harare to continue to offer its assistance to Zimbabwe's Government of National Unity in order to improve the human rights situation with a view to peaceful and credible elections in line with the standards the EU would expect of any of its trading partners;
17. Deplores the absence of a strong human rights clause in the interim EPA concluded with four Eastern and Southern African (ESA) States, including Zimbabwe; repeats its call for trade agreements concluded by the EU to include binding and non-negotiable human rights clauses; urges the European Commission to make this a priority in the continuing negotiations for a full EPA with the ESA States;
18. Stresses that the suspension of EU development cooperation (Article 96 of the Cotonou Agreement) should be maintained under the circumstances but that the EU remains committed in its support to the local population;
19. Calls on the World Bank and Zimbabwe to respect international court rulings;
20. Instructs its President to forward this Resolution to the Council, the European Commission, the VP/High Representative of the Union for Foreign Affairs and Security Policy, the governments and the Parliaments of the Member States, the EEAS, the government and the

Parliament of Zimbabwe, the governments of the South African Development Community, the World Bank, the Commonwealth Secretary-General and the Pan-African Parliament.