



EUROPEAN PARLIAMENT

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Plenary sitting

19.5.2015

B8-0468/2015

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 135 of the Rules of Procedure

on Zimbabwe, the case of human rights defender Itai Dzamara
(2015/2710(RSP))

Catherine Bearder, Philippe De Backer, Louis Michel, Ramon Tremosa i Balcells, Pavel Telička, Martina Dlabajová, Hilde Vautmans, Juan Carlos Girauta Vidal, Marietje Schaake, Ilhan Kyuchyuk, Fernando Maura Barandiarán, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Ivan Jakovčić, Filiz Hyusmenova, Ivo Vajgl, Petr Ježek, José Inácio Faria, Fredrick Federley, Antanas Guoga, Beatriz Becerra Basterrechea, Alexander Graf Lambsdorff, Javier Nart, Frédérique Ries, Jozo Radoš, Izaskun Bilbao Barandica, Yana Toom, Nathalie Griesbeck, Marielle de Sarnez, Dita Charanzová, Hannu Takkula, Urmas Paet
on behalf of the ALDE Group

B8-0468/2015

European Parliament resolution on Zimbabwe, the case of human rights defender Itai Dzamara (2015/2710(RSP))

The European Parliament,

- having regard to its previous resolutions on Zimbabwe,
- 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 Delegation to the Republic of Zimbabwe's statements of 11 March 2015 and of 9 April 2015 on recent incidents of harassment of human rights defenders,
- 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 Human Rights Commission Act, appointed in March 2010, and fully operational since October 2012,
- having regard to the Global Political Agreement (GPA) that created the Zimbabwean Government of National Unity (GNU) in February 2009
- having regard to the African Charter on Democracy, Elections and Governance of January 2007, which Zimbabwe has ratified,
- having regard to the Joint Africa-EU Strategy, which was adopted by Heads of State and Government from Africa and Europe at the Lisbon Summit in December 2007
- 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 Rule 135 of its Rules of Procedure,

- A. whereas on March 9, 2015, five armed men abducted free-lance journalist and leader of the Occupy Africa Unity Square (AUS) protest group Itai Dzamara near his home in the Glenview suburb of Harare. According to witnesses, on March 9, the unidentified men handcuffed Dzamara, forced him into a white pickup truck, and then drove off; whereas over six weeks since his abduction, Dzamara remains missing with no word as to his whereabouts; whereas there are serious concerns for his safety and the protection of his rights;
- B. whereas in the months prior to his abduction, Dzamara had led a number of peaceful protests against the deteriorating political and economic environment in Zimbabwe; He had petitioned President Robert Mugabe to resign, to allow for fresh elections, and for reforms to the electoral system; In fact on several occasions, police and supporters of Mugabe's ruling ZANU-PF party assaulted Dzamara; Where during a peaceful protest last November, about 20 uniformed police beat Dzamara with baton sticks until he lost consciousness.
- C. whereas on the 27th of April, 11 people were detained in Harare, after they took part in a procession in support of the missing Itai Dzamara. The activists were arrested and held for six hours;
- D. whereas after his abduction his wife, Sheffra, approached the high court in Harare to force the police and the Central Intelligence Organisation (CIO) to search for her husband; where during the hearing, the police and CIO denied knowledge of Dzamara's whereabouts; that concern is real as to the security of Sheffra, who lives in fear, with reports that unidentified men are keeping her under constant surveillance.
- E. whereas the Zimbabwean state security agents are notorious for abducting activists opposed to President Mugabe's rule and later turning them over to the police; with some of the activists allegedly being tortured, claims which the government has denied.
- F. whereas senior government officials have denied any state involvement in the abduction, however the actions of the government since the event raise serious questions; whereas senior government officials (including the home affairs minister, the police commissioner-general, and the Central Intelligence Organisation director-general) until recently ignored a High Court Order directing them to search for Dzamara and report progress to the court every two weeks until his whereabouts are determined.
- G. whereas other than Itai Dzamara, there have been several well publicised abductions, for which the government has been blamed: Cain Nkala, Tonderai Ndira, ex newsreader and head of the human rights group, Zimbabwe Peace Project, Jestina Mukoko, opposition party politician, Job Sikhala, have all been kidnapped or detained and tortured; whereas the commander of the Zipra forces, Lookout Masuku, was detained for 4 years without charge; after a Zimbabwean court declared that he should be released, the state continued to detain Masuku and denied him healthcare until he died as a result of illness.

- H. 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;
 - I. whereas the Zimbabwean government made a commitment to constitutional alignment after the 2013 elections but progress is slow and the human rights situation remains vulnerable;
 - J. 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;
 - K. whereas after the escalation of political violence related to the elections in 2002, the EU decided to introduce measures against Zimbabwe's ruling ZANU-PF party as a means to put pressure on those considered responsible; whereas at the same time it was also decided to terminate political dialogue under the Cotonou Agreement to suspend EU-Zimbabwe development cooperation programs except those in direct support of the population;
 - L. whereas these measures have been renewed each year since 2002 with the EU's most recent renewal of the measures occurring in February 2012 when it decided to remove 51 individuals and 20 entities from the visa ban and the asset freeze list in recognition of the implementation of the Global Political Agreement (GPA), which allowed the creation of the Government of National Unity (GNU) and progress made towards the creation of a conducive environment for the holding of free, fair, peaceful and transparent elections through the development of the Road Map sponsored by SADC as well as to encourage further progress in the implementation of the Global Political Agreement..
 - M. whereas in April 2015 the European Union Court decided to uphold some of the sanctions on Zimbabwe; whereas only President Robert Mugabe, his wife and one defence company remain subject to the asset freeze and travel ban; whereas an EU arms embargo also remains in effect;
1. Condemns the continuing violation of human rights, including the political intimidation, harassment and arbitrary arrest of human rights activists;
 2. Holds the authorities of Zimbabwe directly responsible for the state of human rights, political intimidation and harassment and 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 or those who may be illegally holding these HRDs;
 3. Calls upon the authorities of Zimbabwe to guarantee in all circumstances the physical and psychological integrity of Mr. Dzamara and his wife Sheffra and to take all necessary measures to ascertain Mr Dzamara's whereabouts and accord him the full protection of the law, within its overall responsibilities of ensuring the safety of all its citizens.

4. Calls upon the authorities of Zimbabwe to release Mr Itai Dzamara immediately and unconditionally or to seek those who may be holding him to obtain his immediate release and to confer on him full protection under the law;
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 realisation 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, which is currently clearly not the case;
7. 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;
8. Calls on the Zimbabwean Government to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights;
9. 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;
10. Supports targeted measures and sanctions as 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 Zimbabwe Government to take the necessary steps that would enable those measures to be suspended in due course;
11. Deplores the absence of a strong human rights clause in the interim EPA concluded with four Eastern and Southern African (ESA) States, including Zimbabwe, and considers this fact a failure of the institutions responsible; 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;
12. Urges the government of Zimbabwe to uphold the provisions regarding good governance, transparency in political offices and human rights in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement;
13. 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, and the Pan-African Parliament.