

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la Protection des
Défenseurs des Droits de l'Homme

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

URGENT APPEAL - THE OBSERVATORY

New information
ZWE 003 / 0608 / OBS 094.2
Release on bail / Judicial proceedings
Zimbabwe
July 4, 2008

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), 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 on bail of Ms. **Jennifer Williams** and Ms. **Magodonga Mahlangu**, two leaders of Women of Zimbabwe Arise (WOZA).

According to the information received, on July 3, 2008, Ms. Jennifer Williams and Ms. Magodonga Mahlangu, who had been arrested on May 28, 2008 (See background information), were finally granted bail by Magistrate Mutongi in Harare Magistrate's Court. The original amounts of 10 billion of Zimbabwean dollars for Ms. Williams and \$5 billion for Ms. Mahlangu were upheld. According to the conditions of bail, they have to report to their nearest police station every Monday and Friday and not to interfere with State witnesses (despite the fact that no witness list has been provided by the State and therefore no one knows who the State witnesses are).

Furthermore, all WOZA members and one member of Men of Zimbabwe Arise (MOZA) who had been arrested on the same day were further remanded to July 17, 2008. The State has also set a trial date for July 29, 2008.

The Observatory welcomes the release on bail of Ms. Jennifer Williams and Ms. Magodonga Mahlangu and wishes to thank all the persons, organisations, and institutions that intervened in their favour. Nevertheless, the Observatory expresses its concern about the ongoing judicial proceedings against them, as well as against the 12 other WOZA/MOZA activists, in a context of increasing repression against all persons who have been involved in the human rights monitoring of the March 2008 election process.

The Observatory further recalls that according to Article 1 of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, "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".

Background information:

On May 28, 2008, Ms. Jennifer Williams, 12 other WOZA members and one member of MOZA were arrested in Harare while demonstrating against the current wave of political violence in the run-up to the presidential run-off election. They were detained well beyond the legally permissible 48 hours and only appeared in court after 4 pm on May 30, 2008.

On May 30, 2008, they were admitted to bail in the Magistrate's Court, but the State immediately indicated that they would appeal, and were given seven court days to file. The State's appeal was due to be heard on June 10,

2008. However, the State only filed their arguments late afternoon of June 9, which meant the lawyer representing WOZA could only submit their arguments on June 10. Judge Hlatshwayo then said that he needed time to read them and postponed the hearing until June 11, 2008.

Meanwhile, all the accused appeared in the Magistrate's Court on June 6, 2008 and were routinely remanded until June 20.

On June 11, 2008, 12 of the 14 WOZA/MOZA activists were released on bail. However, Ms. Jennifer Williams and Ms. Magodonga Mahlangu were denied bail after the State claimed that they were likely to mobilise people to demonstrate on the streets and cause violence ahead of the runoff election.

The women were being held at Chikurubi Prison, in the women's remand section, while the man was held at the Harare Remand Prison.

All of the arrested face charges of participating in a public gathering with the intent to provoke public violence. Ms. Jennifer Williams faces two additional counts of "causing disaffection among the police" and "publishing false statements prejudicial to the State". The charges are based on legislation clearly in breach of the Zimbabwean Constitution, which guarantees freedom of expression and freedom of assembly.

Actions required:

Please write to the authorities of Zimbabwe urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Jennifer Williams, Ms. Magodonga Mahlangu and all above-mentioned WOZA/MOZA activists, as well as of all human rights defenders in Zimbabwe;
- ii. Put an end to all kinds of harassment, including at the judicial level, 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 above-mentioned Article 1 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 the rights referred to in the [...] Declaration";
- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international 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, 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, Legal and Parliamentary Affairs, Ministry of Justice, Legal and Parliamentary 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. Justice Bharat Patel, Attorney-General, Office of the Attorney, PO Box 7714, Causeway, Harare, Zimbabwe, Fax: + 263 4 77 32 47
- Mrs. Chanetsa, Office of the Ombudsman 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.net

- Ambassador Mr. Pununjwe, 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.

Geneva - Paris, July 4, 2008

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

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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