



Zimbabwe

31 March 2011

Judicial harassment against Mr. Abel Chikomo - ZWE 001 / 0311 / OBS 035.1

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 judicial harassment faced by Mr. **Abel Chikomo**, Executive Director of the Zimbabwe Human Rights NGO Forum in Zimbabwe (the Forum).

According to the information received, on March 29, 2011, Mr. Abel Chikomo was notified that he shall be reporting at the Law and Order section of Harare police station on the next day, following the visit of three police officers at the Forum offices.

On March 30, 2011, Mr. Abel Chikomo reported to Harare police station and was formally charged for "managing and controlling the operations of an illegal Private Voluntary Organisation (PVO)", under Section 6 (3) as read with subsection 1 of the PVO Act [\[1\]](#). He was allowed to go home on the same day but required to report again on March 31 at the Law and Order section of Harare Central police station, which he did. He was subsequently allowed to go home.

The Observatory recalls that over the past months, Mr. Abel Chikomo has been interrogated and asked to report to the police on several occasions. He was interrogated on the activities carried out by the Forum, in particular its Campaign Against Torture, its Transitional Justice National Survey and several press statements issued in 2011 by the organisation on the resurgence of politically motivated violence.

The Observatory is concerned about the ongoing police harassment against Mr. Chikomo and the Forum, and more generally against human rights defenders in Zimbabwe in the run-up to the referendum on the Constitution likely to take place in September 2011 and the parliamentary elections due in November 2011, 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 their human rights activities.

Background information:

On November 11, 2010, Mr. Abel Chikomo was summoned by Bulawayo Law and Order police regarding the Forum's public campaign against torture. Bulawayo Law and Order police alleged that billboards put up by the Forum and calling on the Government of Zimbabwe to ratify the Convention Against Torture and to outlaw torture were offensive.

On February 9, 2011, two days after the inception by the Forum of a Transitional Justice National Survey, the Machipisa police in Harare detained two researchers from the Forum and questioned them about this survey. They released them only after receiving the assurance that Mr. Chikomo will report the next morning to the Machipisa police station. The next day, Mr. Chikomo was interrogated at the Machipisa police station about the work of the Forum. The police also insisted on the fact that the Forum required police clearance to carry out a survey and an authorisation from the Government of Zimbabwe. After approximately two hours of questioning, the Machipisa police said it was a very serious matter that required the intervention of the Harare Central Law and Order Section. As a consequence, Mr. Chikomo was transferred to the latter and questioned for more than six hours. Detectives from the Harare Central Law and Order Section also visited the Forum offices in the city of Harare on the same day accompanied by Mr. Chikomo. After the visit, he was released without charges but the police insisted they will call him later.

On March 10, 2011, two officers from the Harare Law and Order Section visited the Forum offices and requested to meet Mr. Chikomo who was at the time out of the office. They then asked for the organisation's registration certificate and number under the Private Voluntary Organisations Act. The two officers instructed that the Executive Director should report in person without fail on March 14, as he had "questions to answer" and needed to provide the certificate of registration.

On March 14, 2011, Mr. Abel Chikomo was again summoned by the Law and Order Section of the Zimbabwe Republic Police at the Harare Central police station. He and his lawyer, Mr. Harrison Nkomo, was interrogated by a police officer on the work carried out by the Forum and its legal status. Mr. Chikomo explained the Forum was a Common Law Universitas, recognised by Section 89 of the Constitution of Zimbabwe [\[2\]](#). He was then informed that the investigating officer in charge was away and had not left the file or any instructions. Mr. Abel Chikomo was then allowed to leave the police station and informed that he will be summoned to appear on a later date. Mr. Chikomo reported on March 15, 2011 in the afternoon and was told that he would be summoned again at a later stage.

Actions requested:

Please write to the authorities of Zimbabwe asking them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Abel Chikomo as well as all members of the Zimbabwe Human Rights NGO Forum and all human rights defenders in the country;
- ii. Put an end to any kind of harassment - including at the judicial level - against Mr. Abel Chikomo, members of the Forum 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, and in particular:
 - 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 realization of human rights and fundamental freedoms at the national and international levels",

- its Article 6 (b) and (c), which states that "everyone has the right, individually and in association with others [...] as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms and [...] to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters",
- and its 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 present Declaration";

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.

[1] Section 6 of the PVO Act provides "(1) No private voluntary organisation shall; (a) commence or continue to carry on its activities: or (b) seek financial assistance from any source: unless it has been registered in respect of the particular object or objects in furtherance of which it is being conducted". and "(3) Any person who in any manner takes part in the management or control of a private voluntary organisation, knowing that such organisation is contravening subsection (1), shall be guilty of an offence".

[2] The use of the membership form known as "universitas" springs from common law practice of recognising an entity which has members, a constitution and activities that are entirely for the benefit of its members. Such an entity is excluded from registering under the PVO Act, Section 2(1)(v), and is therefore not viewed as a PVO, but as the corporate form "universitas".

<http://www.fidh.org/Judicial-harassment-against-Mr-Abel-Chikomo-ZWE>