

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 008 / 1208 / OBS 206.3

Release on bail

Zimbabwe

March 9, 2009

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 the Zimbabwe Human Rights NGO Forum and the Zimbabwe Human Rights Association (Zimrights) of the release on bail of Ms. **Jestina Mukoko**, Executive Director of the Zimbabwe Peace Project (ZPP) and Board Member of the Zimbabwe Human Rights NGO Forum¹.

According to the information received, on March 2, 2009, Ms. Jestina Mukoko was released on bail by the Harare Magistrates Court's decision, on payment of 600 US dollars.

Mr. **Pascal Gonzo**, ZPP driver, and Mr. **Broderick Tarawira**, ZPP Provincial Coordinator, had been released on bail by the High Court of Zimbabwe on February 6 and February 26, 2009 respectively.

The Observatory welcomes the release on bail of Ms. Jestina Mukoko, Mr. Pascal Gonzo and Mr. Broderick Tarawira and wishes to thank all the persons, organisations, and institutions that intervened on their behalf.

The Observatory expresses however its concern about the charges that still remain pending against Ms. Mukoko and Mr. Tarawira, and about the subsequent stringent conditions placed on their release, as they are supposed to report to their nearest police stations twice a week and were forced to surrender some title deeds as well as their passports. Under the terms of their bail, Ms. Mukoko and Mr. Tarawira are also denied the right to change their residences until the issuance of a verdict. The Observatory is further concerned about the health conditions of Ms. Jestina Mukoko and Mr. Brorick Tarawira, who are presently recovering at a local private hospital.

Background information

Ms. Mukoko was abducted by a group of 15 unidentified armed men on December 3, 2008 from her home in Norton, and has allegedly undergone serious acts of torture. On December 8, 2008, Messrs. Broderick Takawira and Pascal Gonzo were also abducted by at least five men at the ZPP offices in Harare. Ms. Mukoko and Mr. Broderick's whereabouts had remained unknown until December 24, 2008, when they first appeared before the Harare Magistrates Court, after weeks of incommunicado detention.

On January 5 and 6, 2008, Ms. Mukoko, Mr. Gonzo and Mr. Takawira, accused by the Government of "recruiting or goading other people to undergo military training in neighbouring Botswana aimed at toppling Robert Mugabe's Government", appeared before the Harare Magistrates Court. The hearing in Ms. Mukoko and Mr. Takawira's case was then postponed, pending a decision of the High Court on an application demanding further medical examination in a well-equipped hospital, as they reportedly bear signs of torture and ill-treatment.

¹ In 2008, the ZPP has reported regularly on political violence that occurred in 2008 after the Zimbabwe African National Union - Patriotic Front (ZANU-PF), the party of President Robert Mugabe, was beaten in the first round of elections in March by the Movement for Democratic Change (MDC) of opposition leader Morgan Tsvangirai.

The Observatory was further informed that throughout the first ten days of her detention, Ms. Mukoko was not allowed to take medication for an allergic condition she has, and has also learned with concern that she had been prescribed medication for anxiety and insomnia by an army doctor who facilitated acts of torture against her. Ms. Mukoko called for a toxicology report, fearing that the Zimbabwe Government might be trying to poison her.

Actions required:

Please write to the authorities of Zimbabwe urging them to:

i. Guarantee in all circumstances the physical and psychological integrity of Mr. Broderick Takawira, Mr. Pascal Gonzo, and Ms. Jestina Mukoko, as well as of all human rights defenders in Zimbabwe;

ii. Order an immediate, thorough and impartial investigation into the above-mentioned allegations of torture and ill-treatments, in order to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the penal sanctions provided by the law;

iii. Put an end to all kinds of harassment against them - including at the judicial level - as well as against all human rights defenders in Zimbabwe;

iv. 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 Article 1, which states that “everyone has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental freedoms at the national and international levels”, as well as above-mentioned Article 12.2 (“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*);

v. 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 Johannes Tomana, 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. Boniface Chydiausiku, 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.int
- 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.

Paris-Geneva, March 9, 2009.

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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FIDH

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OMCT

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