

**Localisation of Ms. Jestina Mukoko, Mr. Broderick Takawira and Mr. Pascal Gonzo, who remain arbitrarily detained**

**New information**

**ZWE 008 / 1208 / OBS 206.2**

**Arbitrary detention / Torture / Ill-treatments / Judicial harassment**

Zimbabwe

January 6, 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 Zimbabwe Lawyers for Human Rights (ZLHR) of the whereabouts of Ms. **Jestina Mukoko**, Executive Director of the Zimbabwe Peace Project (ZPP) and Board Member of the Zimbabwe Human Rights NGO Forum<sup>[1]</sup>, Mr. **Broderick Takawira**, ZPP Provincial Coordinator, and Mr. Pascal Gonzo, ZPP driver.

According to the information received, Ms. Mukoko and Mr. Broderick's whereabouts remained unknown until December 24, 2008, when they first appeared before the Harare Magistrates Court, after weeks of incommunicado detention.

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.

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 to January 14, 2009, 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. Mr. Gonzo's hearing was reportedly postponed

to January 7, 2009.

Ms. Mukoko and Mr. Takawira would currently be held in solitary confinement at the Chikurubi Maximum Security Prison. Mr. Gonzo would be held at Rhodesville police station.

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.

On December 24, 2008, High Court Judge Omerjee had pointed out that Ms. Mukoko - and eight other activists (mainly political opponents) - should be detained at the Avenues Clinic under police guard until December 29, in order to be examined due to their worrying health condition, and had ordered the release of Mr. Pascal Gonzo. However, the police kept Ms. Mukoko and Mr. Takawira in detention, thus blatantly violating the December-24 High Court decision as the State only filed its appeal to the Supreme Court according to the procedure in force on December 29 in order to suspend the December-24 High Court order. Mr. Gonzo was also kept in detention in violation of the December-24 order.

On January 2, 2009, High Court Judge Alphias Chitakunye altered the December-24 High Court decision and refused the activists' referral to hospital, stating that if Ms. Mukoko and the others were taken to hospital, this would be for purposes of examination only and that they would be treated in prison. Again, the authorities refused to enforce the court order and denied Ms. Mukoko the right to medical examination in hospital. This was once again denounced and challenged by the lawyers through an urgent application filed to the High Court on December 31.

The Observatory denounces the cruel treatment of the Zimbabwe authorities, appealing against - and refusing to enforce - court decisions of hospitalisation for health conditions given the extremely worrying health status of the detainees<sup>[2]</sup>, all the more that no adequate medical facility seems to be available in detention. The Observatory denounces more generally the determination of the Zimbabwe authorities to jeopardise justice rulings.

The Observatory is extremely concerned by the ongoing harsh harassment of the above-mentioned human rights defenders, which echoes the wave of repression denounced in the run-up to the 2008 elections. The Observatory further recalls that according to Article 12.2 of the United Nations Declaration on Human Rights Defenders, “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”.

### **Actions required:**

Please write to the authorities of Zimbabwe urging them to:

0. 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;
0. Ensure their immediate release as their detention is arbitrary since it only aims at sanctioning their human rights activities;
0. 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;
0. Put an end to all kinds of harassment against Mr. Broderick Takawira, Mr. Pascal Gonzo, and Ms. Jestina Mukoko - including at the judicial level - as well as against all human rights defenders in Zimbabwe;
0. 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;
0. 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.

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Paris-Geneva, January 6, 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:

**Email : [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)**

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[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.

[2] In medical affidavits produced on December 30, Ms. Mukoko stated: “At first, I was assaulted under my feet with a rubber-like object while seated on the floor. I was asked to raise my feet on a table and the other people in the room started to assault me and that lasted at least five minutes. They took a break and continued the beatings after a few hours. They were all visibly drunk”. Ms. Mukoko also reported she had been ordered “to pull up [her] clothes and kneel on the gravel. The interrogation continued while [she was] on the gravel”. She further asserted that she had been assaulted after denying having trained or recruited people to overthrow President Mugabe and working for the MDC.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : [omct@omct.org](mailto:omct@omct.org)