



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

**United Nations Human Rights Council
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ICJ Intervention under Item 4 on Human Rights Situations that require the Human Rights Council's Attention

6th June 2008

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Distinguished Mr. President,

In its March Session, the International Commission of Jurists (ICJ) urged the Council to press Zimbabwe to ensure free and fair polling. The Zimbabwean Government took the Council's silence for granted, as it escalated political repression leading to a total erosion of the rule of law. The leader of the opposition Movement for Democratic Change (MDC) Morgan Tsvangirai and 14 members of his team were arrested last Wednesday and released only after the intervention of President Thabo Mbeki. The time has now come for the Council to act; a special session may come too late to help Zimbabwe.

The Council must urge the African Union and the SADC to finally exercise claimed responsibility for solutions of human rights crisis on the continent, and request its relevant special procedures to address the Zimbabwe crisis as a matter of priority, including by seeking a joint visit to prevent further gross and systematic violations of human rights.

Government sponsored political violence and torture has been inflicted against supporters of the opposition MDC since 29th March general elections. Over 900 people have been treated for assault and torture while at least 45 others have been killed. Violence has spread to the community level, where at least 3000 people have been compelled to flee their homes in retribution for their alleged support of MDC. They are now internally displaced within Zimbabwe without access to adequate food and other social amenities. As recently exemplified in South Africa, people fleeing to neighbouring countries often face xenophobic violence and reprisals. The crisis has amounted to a threat to regional stability.

Related to the political violence are growing incidents of enforced disappearance and extra-judicial executions. Accounts of opposition supporters being abducted and murdered have been numerous. The ICJ denounces the horrifying circumstances in which Better Chokururama, Godfrey Kauzani, Cain Nyevehe, Tonderai Ndira and Shepherd Jani met their separate deaths, which point to a pattern so symptomatic of the problem. Their decomposing remains were recovered with signs of severe torture and mutilation.

Human rights lawyers and other human rights defenders face death threats for their professional activities, which forced at least 3 of them to flee to South Africa. Regular threats by government ministers, assaults by security forces, prosecution under trumped-up charges or arbitrary arrests are common. Civic leaders also suffered, when security forces raided the offices of the Zimbabwe Election Network (ZESN), whose director was arrested and the organisation's documents seized. Fambai Ngarinde, of the National Association of Non Governmental Organisations (NANGO) was arrested and Dzimbabwe Chimnga of Zimbabwe Lawyers for Human Rights (ZLHR) had materials, to be addressed to the African Commission on Human and Peoples' Rights (ACHPR), seized. Offices of the Zimbabwe Human Rights NGO Forum were raided yesterday.

Police had arrested 12 journalists in the crackdown on media freedom. In April, journalist Stanley Karombo, went missing, while Frank Chikowore and Luke Tamborinyoka were imprisoned. Similar incidents have continued in May.

The credibility of 27th June presidential election run-off is also undermined by the failure to respect the reforms that resulted from the SADC mediated talks on the policy and legislative environment in Zimbabwe. Those would require making the executive-dependent electoral commission and judiciary independent and stopping politically orchestrated violence by the partisan police force and army, as well as intimidating statements against voters for the opposition. Genuine elections will remain hindered by the opposition's lack of access to public media; restrictions on opposition rallies; threats and harassment of human rights defenders and restrictions on international election observers.

Mr. President,

ICJ calls on the Council to adopt a resolution to:

- a) Condemn all political violence and human rights violations in Zimbabwe and urge the Government to stop meting out reprisals against the opposition;
- b) Urge the Government to bring to justice all alleged perpetrators of human rights violations and political violence and limit the pervasive culture of impunity;
- c) Request the special procedures on extra-judicial executions, torture, independence of judges and lawyers, housing, freedom of expression and human rights defenders to address the root causes of the current situation as a matter of priority, including through seeking a joint visit to Zimbabwe;
- d) Urge the African Union and SADC to actively engage in the resolution of the Zimbabwe crisis; and
- e) Urge the Government to create an environment conducive to free and fair elections in accordance with regional and international principles governing democratic elections and the rule of law, including by removing the requirement for local election monitors to re-apply for accreditation and ensuring the presence of international monitors.

Mr. President,

Violent crackdown on the peaceful protest in Tibet of March 08, including arbitrary executions, use of excessive non-lethal force by the security forces and arbitrary detentions, have not been investigated. Neither did the Government of China release those remaining arbitrarily detained. Instead, 30 protesters have been convicted, some to life imprisonment, in a process short of fair trial guarantees. The ICJ urges the Chinese Government to assist the investigation by the relevant Council's special procedures into the crackdown, including the criminal convictions of protesters. Competent Chinese authorities must revoke the convictions of prisoners of conscience, guarantee the right to a fair trial to those who might be held accountable and release those arbitrarily detained. Finally, the ICJ calls for a political solution in order to guarantee the rights of the Tibetan people.

I thank you.