

**United Nations Human Rights Council
22nd Regular Session, 25 February to 22 March 2013
Agenda Item 3**

**ICJ Oral Statement in the Interactive Dialogue with the Special Rapporteur on the
situation of human rights defenders, Margaret Sekaggya**

THE SITUATION OF HUMAN RIGHTS DEFENDERS IN SOUTHERN AFRICA

5 March 2013

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Madam Special Rapporteur,

The human rights situation in Southern Africa continues to worsen, and the authorities in States in the region have failed to act to protect human rights defenders (HRDs). There has been a steady increase in attacks on HRDs, many of which have been at the hands of the police or intelligence agents. Perpetrators of these attacks have typically been able to act with impunity.

The UN Declaration on Human Rights Defenders states that all persons, whether individually or collectively, have the right to participate in peaceful activities for the advancement of human rights. It requires States to protect HRDs from any attacks or interference when they carry out these activities. All States, including in Southern Africa, have endorsed the Declaration. Some have nevertheless failed to adhere to these commitments. Countries of particular concern include Zimbabwe, Angola, the Democratic Republic of Congo (DRC), and Swaziland.

The situation in Zimbabwe is especially concerning taking into consideration that there will be a referendum held in March 2013 and general elections during the course of this year. In what appears to be politically motivated attacks with the purpose of destabilising NGOs, many HRDs have had to endure:

- Unjustified raids of offices and premises;
- Arbitrary arrests of senior human rights practitioners;
- The instigation of often spurious charges and/or use of repressive laws to detain HRDs;
- Holding trials which do not adhere to international fair trial standards; and
- Harassment and intimidation of defenders.

Over the last few months, Zimbabwe Police have targeted several NGOs identified in the written version of this oral statement, including the Zimbabwe Human Rights Association in respect of which the ICJ sent to you an urgent appeal in January.

- National Association of Non-Governmental Organisations (NANGO);
- Zimbabwe Peace Project (ZPP);
- Centre for Community Development in Zimbabwe (CCDZ);
- National Youth Development Trust (NYDT);
- Zimbabwe Election Support Network (ZESN); and
- Zimbabwe Human Rights Association (ZimRights), where an urgent appeal was sent to you by the ICJ on 18 January 2013 following the arbitrary arrest and detention of Okay Machisa, Leo Chamahwinya and Dorcas Shereni.

Human rights defenders in Angola, the DRC, and Swaziland have similarly faced:

- Arbitrary arrests;
- Restrictions on the exercise of the freedoms of expression, association and peaceful assembly;

- Preventative detentions aimed at preventing further human rights work;
- Harassment and death threats; and
- Impunity for perpetrators of abuses against HRDs.

The ICJ requests the Special Rapporteur to call upon the aforementioned States to:

- Take effective measures to prevent and end attacks on and persecution of HRDs;
- Ensure adherence to international standards on detention and fair trial in cases where HRDs have been arrested;
- Conduct prompt and impartial investigations and, where human rights abuses are criminal in character, prosecute all persons responsible; and
- Ensure that affected HRDs have access to effective remedies and reparation for such abuses.

I thank you.

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