



**PERMANENT MISSION OF THE REPUBLIC OF ZIMBABWE
TO THE UNITED NATIONS**

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ZGEN/INTEROG/2

21 January 2013

Mara Bustelo
Officer-in-Charge
Special Procedures Branch
Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

Dear Sir/Madam

Re: **COMMUNICATION FROM SPECIAL PROCEDURES JOINT
ALLEGATION LETTER AL G/SO 214 (67-17) ASSEMBLY AND
ASSOCIATION (2010-1 G/SO 214 (107-9) ZWE 9/2012**

Reference is made to your correspondence with connection to the above matter dated 16 November 2012.

Attached hereto for your attention is the response of the government of Zimbabwe.

Regards,

C. Chishiri

For: **Ambassador/Permanent Representative**

OHCHR REGISTRY

22 JAN 2013

Recipient: *SPB*
S. Sidome (Encl.)
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ALLEGED UNJUSTIFIED SEARCH OF THE OFFICES OF THE COUNSELLING SERVICES UNIT AND ARREST DETENTION AND ALLEGED ILLTREATMENT OF MEMBERS OF THE GALZ

The Zimbabwe Republic Police received information that there was a meeting being held at an address in Harare. It emerged that the Police had not been notified of the meeting in accordance with section 25 of the Public Order and Security Act (POSA). Section 25 of POSA requires organisers/convenors to give at least five days' written notice of the meeting. In the interest of public order and public security, the police dispatched four officers to inform the meeting that such a gathering was illegal as they had not informed the police. The gathering challenged the four officers who called in reinforcements resulting in the arrest of the persons concerned. They were taken to the police station and detained overnight. They were given verbal warnings and discharged the following day.

The Government of Zimbabwe protects the right to hold meetings and demonstrations in public as provided for in sections 20 and 21 of the Constitution of Zimbabwe, as part of the freedoms of expression and of assembly and association, in conformity with Articles 19 and 20 of the Universal Declaration of Human Rights. However, these rights are not absolute as Parliament is allowed to make laws limiting freedoms of expression, assembly and association "in the interests of defence, public safety, public order" and for the purpose of protecting the rights or freedoms of other persons.

GALZ did not file any complaint with the bodies that are available to hear human rights grievances such as the newly established Zimbabwe Human Rights Commission, the Public Protector's Office and the Police complaints desk. Complainants can also approach the Ministry of Justice and Legal Affairs as the Ministry responsible for the administration of the Bill of Rights in the Constitution. The Ministry did not receive any complaints from GALZ on their treatment at the hands of the Police. No prosecutions have been undertaken for the reasons above.

The Government has further called for dialogue with Civil Society Organisations to create a platform for discussion on matters affecting both fronts. It should be noted that the country has a vibrant Civil Society Organisations(CSO) community with a total of over 2000 registered in accordance with the country's laws. It is therefore necessary that they operate freely and yet continue to respect the laws of the land.

Zimbabwe respects the fundamental human rights of peaceful assembly as enunciated in the declaration of rights and the civil and political rights. Whilst these rights are

respected, they have to be practised within the confines of the laws of Zimbabwe on peaceful assembly. This is necessary for any state to maintain peace and stability within its borders.

In its efforts to celebrate human rights in Zimbabwe, the Government has continued to work with NGOs on the implementation of the UPR recommendations. The National Plan of Action was developed by all stakeholders who included Government, Civil Society Organisations and the members of various independent Commissions. This is further reflection of Government's commitment to upholding the human rights of its citizens including the rights of NGOs.

The Government of Zimbabwe will take all necessary measures to guarantee and ensure that the freedoms of all its citizens are respected.

Counselling Services Unit

On 7th October 2012, the wall and bill board at stand number 59/1858 Mpopoma, Bulawayo was defaced using red ink and some words inscribed on the wall and billboard. A report was made to the police on the same day. The Police, during investigation, gathered information that the alleged offenders were based in Harare. They obtained a search warrant and proceeded to Harare leading to the arrest of the five persons; TafadzwaGeza, Zachariah Godi, Fidelis Mudimu, Penn Brun and James Zidzimu.

TafadzwaGeza, Zachariah Godi, Fidelis Mudimuwere brought to court and charged with contravening section 140 of the Criminal Law Codification and Reform Act [*Chapter 9:23*], which is the crime of malicious damage to property. They were each granted bail in the sum of \$100 and ordered to surrender travel documents. They are due to appear in Court on 20 March 2013.

The search of the Counselling Services Unit offices was therefore not aimed at harassment or intimidating NGOs operating in Zimbabwe. It was a legitimate police investigation which led to the arrest of the persons named in the Communication. The accused await trial before a court of law.

The Government of Zimbabwe respects and protects the rights of all individuals to enjoy freedom of expression, association and the right to form and join trade unions. However, where crime is committed, the Government has the duty to arrest perpetrators and protect its citizens whether they belong to Civil Society Organizations or not.