

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association  
and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9)  
ZWE 3/2012

5 March 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the allegedly illegal decision suspending the activities of 29 NGOs in Masvingo.**

According to the information received:

On 14 February 2012, during a press conference, the Governor of Masvingo ordered the suspension of the activities of 29 NGOs, arguing that the concerned associations failed to submit to his office a certificate of registration together with a Memorandum of Understanding (MoU) signed by the local authority.

The affected associations consist of humanitarian, community-based and human rights organizations as well as a few international NGOs. They include: Strengthen Seed and Output Markets Project, Soap, Choose Life, Community Based Aids Programme, Zimbabwe Community Development Programme (ZCDP), GYPCE, Centre for HIV and Aids Care and Agriculture, Ambassadors, Zimbabwe Peace Project (ZPP), Mucheke Community Conflict Centre, Free the Child Trust, Precare, Liestomy Colostomy Zimbabwe Trust (ILO ZimTrust), Masvingo Plan of Hope, Rujeko Conflict Management Association, Youth and Environment Action Support Network, Care and Support Trust, Friends of the Blind, Advocacy and Literacy Trust, ROHR Zimbabwe, Centre for Conflict Management and Transformation, Care International-Bikita, Fact Mutare,

Mvuramanzi Trust, Safire, Khula Sizwe Trust, Heifer Project, Pump Aid and Zvishavane Water Project.

It is reported that the decision appears to be illegal as the law neither provides the Governor, nor the Provincial Council that he heads, with the power to register or suspend the activities of any NGOs. The Provincial Council's mandate is reportedly only to encourage developmental projects initiated and carried out by the central and local governments.

It is reported that the decision to suspend the activities of 29 NGOs might be politically motivated. During the Zanu PF annual conference in Bulawayo in December 2011, Zanu PF representatives had allegedly threatened a number of NGOs with de-registration.

It is further reported that in order to conclude the Memorandum of Understanding, local authorities have, in many instances and in various regions, charged NGOs with amounts ranging from US\$100 to US\$1,000 per year. It is reported that such fees are not prescribed by law. Where an organization refused to pay the fees, the MoU was not approved, and the association's activities were not allowed to take place. Some of the 29 NGOs suspended have reportedly refused to pay these fees.

It is also reported that many NGOs in Masvingo have been placed under direct surveillance. In particular, many NGOs reportedly have had to carry out their activities with "escorts" from law enforcement agents, military and intelligence personnel, political party supporters or functionaries.

Concern is expressed that this decision may prevent NGO workers, particularly those working on human rights and humanitarian aid, from exercising their right to association. Further concerns are expressed that such investigations as well as reported acts of intimidations may be part of a broader campaign aimed at intimidating and silencing NGOs working on human rights, development and humanitarian aid in the Masvingo Province.

Without expressing at this stage an opinion on the facts of the case, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the respect of the rights to freedom of association, in accordance with article 20 of the Universal Declaration of Human Rights (UDHR) and article 22 of the International Covenant on Civil and Political Rights (ICCPR).

In addition, we would like to draw your Excellency's Government's attention to Resolution 15/21 of the Human Rights Council in which the Council "calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely [...] including persons espousing minority or dissenting views or beliefs and human rights defenders [...] seeking to exercise or to promote these rights."

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

Furthermore, we would like to bring to the attention of your Excellency's Government article 5, points b) and c) of the Declaration which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations. We would also like to refer your Excellency's Government to the 2009 report to the General Assembly of the Special Rapporteur on the situation of human rights defenders, where it is stated: “States should ensure that existing laws and regulations are applied in an independent, transparent and less burdensome or lengthy manner in order to avoid restricting the right to freedom of association.” (A/64/226, para. 106). In this regard, we encourage your Excellency's Government to revisit and implement the recommendations put forward in the same report (A/64/226, para. 101 to 127).

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the NGOs working on human rights and humanitarian aid in the Masvingo Province are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the concerned associations?

3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases.
4. Please provide information concerning the legal grounds for the decision to suspend NGOs and how these measures are compatible with international norms and standards as stipulated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders