



# INTERNATIONAL COMMISSION OF JURISTS

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**PRESS RELEASE      APRIL 26, 2008**

## ICJ CONCERNED AS ZIMBABWE GRAVITATES TOWARDS CHAOS

The International Commission of Jurists (ICJ) has today expressed grave concern at the new wave of repression in Zimbabwe.

In the past three weeks alone there have been reports confirmed by ICJ affiliate, the Zimbabwe lawyers for Human Rights (ZLHR) and by the Zimbabwe Association of Doctors of Human Rights (ZADHR) of wide scale and systematic violence (including cases of torture) of supporters of the Movement for Democratic Change (MDC) in post election political retribution. ZADHR reported treating over 452 people who had been assaulted or tortured by militias operating with the acquiescence of the state security agents or together with such agents. At least 10 people are known to have also been extra judicially executed in politically motivated violence perpetrated by the governing party, ZANU-PF. Thousands have been internally displaced and remain without access to adequate food and other social necessities.

There have been arbitrary entry and seizure of equipment such as computers and key election data belonging to human rights defender groups such as the Zimbabwe Election Support network (ZESN) and the opposition political party, the MDC. The ICJ is concerned at the reports from lawyers in Harare that the police have made clear their intentions to arrest Rindai Chipfunde Vava and Noel Kututwa, the Executive Director and Chairperson respectively of ZESN. Equally disturbing are reports that the police have made a threat to arrest Miss Irene Petras the Executive Director of the ZLHR who is also the vice Chairperson of ZESN. Lawyers from Mutare and Masvingo have also reported that at least 30 civilian or non-military members of the Zimbabwe Election Commission (ZEC) have been arrested and detained on allegations of electoral fraud prejudicing the presidential candidate Robert Mugabe.

"These violations coupled with the tense electoral impasse and the general atmosphere of arbitrariness and despair bring the country one step closer to a complete overturn of the rule of law," said Martin O. Masiga, Senior Legal Officer of the International Commission of Jurists (ICJ), Africa Programme.

There have been new threats made in the government media, the Herald against the Law Society of Zimbabwe (LSZ) and in particular its Executive Secretary Stephen Murambasvina, repeating previous threats that the Minister of Justice considers the Law Society (Bar Association) as an opposition political party and that "measures will be taken" by the authorities to control it and take away its independence. Lawyers representing their clients have been arbitrary arrested and detained or threatened by security agents who identify such lawyers with the causes of their clients. The case of Innocent Chagonda a respected Harare lawyer who is now facing charges of insulting

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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the police is in point. ZLHR have catalogued other threats made to lawyers merely for practising their profession.

“The ICJ reminds the government of Zimbabwe of its obligations as a State Party to the *African Charter on Human and Peoples’ Rights* as well as a variety of human rights instruments, that it must ensure that lawyers are able to perform all their professional functions without intimidation, hindrance, harassment or improper interference” said Masiga.

This new wave of abuses is taking place against the background of the elections which were held on 29 March 2008. Despite the fact that the counting of all votes was done at the polling stations within 48 hours of the voting, the Zimbabwe Election Commission (ZEC) has failed, to release the results raising credible suspicion that ZEC and those who control it are trying to manipulate the result in order to frustrate the will of the electorate. Efforts to use the domestic courts as electoral dispute settlement mechanisms have failed so far. The ICJ notes with concern that this is not the first time that the courts in Zimbabwe have failed to offer real and effective remedies for electoral disputes. After the 2000 parliamentary elections a total of 37 electoral challenges were filed with the High Court in Zimbabwe. To date, not a single of them was resolved in a manner where a real and effective remedy was given by the High Court or the Supreme Court in Zimbabwe. Thus the 2002 Presidential election challenge remains unresolved to date by the courts of Zimbabwe.

Masiga further stated that “the ICJ notes that the failure to have functioning independent institutions of democracy and the rule of law is at the centre of the Zimbabwe crises. This has resulted in centralization of power and a failure in separation of powers and effective checks and balances. There is therefore no adequate accountability according to the rule of law by the government and its agents resulting in a culture of arbitrariness and impunity. A disputed election in such an environment of absence of a independent and functioning judiciary and other institutions creates a tremendous potential for violence and other serious violations for human rights.”

The ICJ therefore urges the AU and the SADC political leadership to intervene to diffuse such a highly volatile situation. The ICJ also urges the international community to provide humanitarian assistance to the victims of violence. The ICJ in particular stresses that countries like China need to balance their commercial interests involving sell of arms and ammunition with the need for observance of human rights in the partner countries like Zimbabwe where there are credible reports linking the army, the police and militias operating with the acquiescence of authorities to serious and systematic human rights violations against unarmed civilians.

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