

**Open Letter to His Excellency Mr Thabo Mbeki,
President of the Republic of South Africa**

25th June 2004

Dear Mr. President,

We, the undersigned, wish to express to you our grave concern about the ongoing and unrelenting nature of the crisis in Zimbabwe. We believe that African states, including South Africa, need to intensify efforts to publicly signal to the Zimbabwean government that the violation of human rights is unacceptable.

Through the African Union and the New Partnership for Africa's Development (NEPAD), in which South Africa plays such a vital role, African Heads of State and Government reaffirmed their commitment to take effective and concrete measures to uphold the rule of law and promote principles of human rights and accountability. The disparity between the principles enshrined in both NEPAD and the Vision and Mission of the African Union, and the reality of the situation in Zimbabwe, as experienced by millions of Zimbabweans, is conspicuous.

Despite repeated appeals to the Zimbabwean government from organisations and activists inside and outside Zimbabwe, including many of the undersigned, there has been no improvement; on the contrary, the situation continues to deteriorate. Those in Zimbabwe who speak out are silenced, through the use of repressive legislation, intimidation and violence.

Freedom of expression and freedom of association and assembly are vital to the existence of a democratic society, and indispensable for the formation of public opinion. In the last three years the Government of Zimbabwe has introduced a range of legislation which undermines the basic freedoms of expression, association and assembly; rights guaranteed to all under the African Charter on Human and Peoples' Rights. This legislation includes the Public Order and Security Act (2002) and the Access to Information and Protection of Privacy Act (2002).

Hundreds of civil society activists have been arrested under the Public Order and Security Act, which effectively criminalises peaceful gatherings. Many of those arrested have subsequently been subjected to threats, torture and other forms of ill-treatment.

The Access to Information and Protection of Privacy Act has been used to detain and arrest scores of independent journalists, and to shut down Zimbabwe's only independent daily newspaper, the *Daily News*. The Committee for the Protection of Journalists has described Zimbabwe as one of the worst places in the world to be a journalist.

Systems for state accountability have been seriously undermined, through both political manipulation of the security services, and attacks on the judiciary and the courts. The police, apparently under political instructions, fail to arrest and investigate those who commit human rights violations, and have themselves been implicated in acts of intimidation and violence.

Since 2001 the government has established youth "militia" groups. Allegations of torture and assault, including rape and other forms of sexual violence, committed by "militias" – as groups or individuals – have been widely reported. The "militias" appear to operate without interference.

An independent judiciary is vital to enforcing the law and ensuring accountability. However, in Zimbabwe court orders are frequently ignored. Judges and lawyers have been subjected to harassment and assault, and several independent judges have resigned or retired as a consequence. The UN Special Rapporteur on the Independence of Judges and Lawyers has repeatedly expressed very grave concerns over the deterioration of the rule of law in Zimbabwe, and what he has described as “systematic attacks on the independence of judges and lawyers by the Government and its agencies”.

Since 2002 millions of Zimbabweans have faced serious food shortages. But the suffering of hungry Zimbabweans appears to have been exploited for political gain: discrimination in access to food aid and Government-controlled grain supplies, based on political affiliation, has been widely reported.

In elaborating the Vision of the African Union and Mission of the African Union Commission, African Heads of State and Government prioritized the realization of human and peoples’ social, economic, civil, cultural and political rights, and made a commitment to assist member states to realize these rights. We are therefore urging African states to take a more public stand in resolving the crisis in Zimbabwe.

We are particularly calling on South Africa, as the country which has assumed specific responsibility, within NEPAD, for good political governance, peace, security and democracy, to encourage the Zimbabwean authorities to take concrete steps to end human rights violations. These steps must include: the repeal or amendment of all legislation which violates internationally recognized rights; an immediate commitment to restore systems for state accountability; the impartial investigation of all allegations of human rights violations, leading to those responsible being brought to justice; a public commitment to ensuring the right of all Zimbabweans to food, including transparent and impartial distribution of all state-controlled food supplies.

Yours sincerely,

Amnesty International South Africa

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