

Our Ref: INFO 1/07/03/OC

July 25, 2003

The Minister of Justice, Legal and Parliamentary Affairs
Corner House,
Samora Machel Avenue
Private Bag 7704
Harare

Attention: Honorable Minister Patrick Chinamasa

Dear Sir

RE: **CALL FOR THE REPEAL OR AMENDMENT OF PUBLIC ORDER AND SECURITY ACT (POSA)**

The citizens of the Republic of Zimbabwe whose signatures are appended to the attached petition are calling for the repeal of the **Public Order and Security Act**, named hereinafter as **POSA**, which seriously undermines the enjoyment of fundamental human rights and democracy in the country.

ZimRights which shares the sentiments of the petitioners is concerned that POSA has brought back certain sections contained in the repealed colonial **Law and Order Maintenance Act (LOMA)**, which was a repressive piece of legislation that was ruled to be in violation of the Bill of Rights by the Supreme Court of Zimbabwe. ZimRights appreciates that whilst our democracy might be perceived very young, our struggle for freedom and fundamental human rights is very long. As we overcame challenges of colonialism, in the same way, we should be determined to overcome the legacy of severe inequality that we have inherited. Even as we celebrate our independence we should be mindful of the tremendous challenges, which we face. Because of these challenges, most of our people do not as yet enjoy all the rights that are in our Constitution. **POSA** is undoubtedly a repressive piece of legislation and undermines democratic and constitutional rights and values. We believe that this piece of legislation takes the nation backwards and not forward in terms of upholding human rights and democracy.

It is a matter of grave concern to us that freedoms of expression, movement, assembly and association are under siege in Zimbabwe. These freedoms are a pre-requisite to any democracy.

We are also extremely worried about the on-going onslaught and harassment of political activists and human rights defenders including journalists, NGOs, trade unionists and others. POSA has often been used to prefer trumped-up charges against human rights defenders who will have been arrested as part of general harassment of human rights activists. Freedom of expression and human rights



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activism is virtually not permitted in terms of POSA. This is unjustified in a democratic country, like Zimbabwe. POSA has often been used in combination with the Access to Information and Protection of Privacy Act, selectively against largely journalists from the private media. We further strongly condemn the selective application of the law, which has also seen arbitrary arrests, and detention of human rights activists and opposition leaders and activists mainly under this piece of legislation.

The powers given to the regulating authority for public gatherings are too wide as they violate Section 20, 21 and 22 of the Constitution that clearly provides for every person's freedom of expression, assembly, association and movement.

Under **POSA**, it is an offence for any person to criticize the President. We note with serious concern that this violates our freedom of expression as provided for under Section 20 subsection 1 of the Constitution of Zimbabwe. It is our submission that citizens should be allowed to speak out on issues of governance.

We therefore call upon the Zimbabwean Government to repeal Parts 1, 2, 3, 4 and 5 of this retrogressive piece of legislation on issues surrounding offences against constitutional government and public security, offences against public order, public gatherings, civil liberties, constitutional and fundamental freedoms (freedom of expression, freedom of movement and freedom of assembly), among other issues.

As stated in the preamble of the Universal Declaration of Human Rights, it is essential if man is not to be compelled as a last resort, to rebellion against tyranny and oppression, that human rights should be protected. ZimRights pledges its preparedness to link-up with your good offices for cooperation and dialogue on any areas necessary to enhance the promotion and protection of human rights in Zimbabwe.

Yours Faithfully

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**The National Director
ZIMRIGHTS**

- Cc: His Excellency the Honorable President of the Republic of Zimbabwe
Honorable Robert Gabriel Mugabe
- Cc: Police Commissioner
Comrade Augustine Chihuri
- Cc: Speaker of Parliament
Honorable Emmerson Mnangagwa
- Cc: Minister of Home Affairs
Mr Kembo Mohadi



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