

**December 12, 2002**

**Mr. Patrick Chinamasa**  
Minister of Justice, Legal and Parliamentary Affairs

**Mr. July Moyo**  
Minister of Public Service, Labour and Social Welfare  
12 Floor Central Ave  
Private Bag 7707  
Causeway  
Harare

c/o **H.E. Dr. Simbi V. Mubako**  
Ambassador of Zimbabwe to the United States  
1608 New Hampshire Avenue, N.W.  
Washington, D.C. 20009  
Fax: 202 483 9326

Dear Sirs,

The Lawyers Committee for Human Rights is once again deeply troubled by acts of government persecution and harassment of independent activists including human rights defenders in Zimbabwe. In particular, we refer to the arrest and detention of Mr. Wellington Chibebe, Mr. Tambaoga Nyazika, Mr. Timothy Kondo, Mr. Settlement Chikwinya, Mr. David Shambare, Ms. Patience Mandozana, Mr. Thomas Nyamanza, Mr. Gideon Shoko and Mr. Hwinya Matambo, on Monday December 9, 2002.

The nine detained individuals are trade union representatives and leaders, who were holding a legitimate union meeting at Adelaide Acres when they were arrested by the police. They were taken into custody and held at various police stations until lawyers secured their release on December 11. On that day, a judge rejected a request by state prosecutors to charge the nine detainees under the Public Order and Security Act (POSA). The Lawyers Committee notes that Zimbabwe's High Court ruled in April of this year that trade union meetings are exempt from the notification requirements contained in Article 24 of the POSA and, indeed, that such meetings are not to be considered "public" within the terms of the Act. [See *ZCTU v. OC Police, Harare District & Anor HH-56-02*]

The arrest of the trade union leaders was entirely without basis and appears to be another attempt to intimidate Zimbabwe's independent unions. The Zimbabwe Congress of Trade

Unions (ZCTU), of which Mr. Wellington Chibebe is the Secretary General, has come under repeated attack by the government and has been threatened with de-registration by President Mugabe. Mr. Chibebe has been arrested and detained by the police on several prior occasions. Earlier this year, ZCTU General Council member, Mr. Ephraim Tapa, was kidnapped along with his wife, tortured, and held for over a month by so-called war veterans. This harassment of the ZCTU and its leaders appears to be in retaliation for its public condemnation of human rights abuses and rapidly deteriorating economic conditions in the country. The ZCTU and other civil society groups have attempted to organize public demonstrations and strikes in protest against government policies.

The use of the Public Order and Security Act to prevent or disrupt such demonstrations constitutes violations of freedom of expression, association and assembly, protected by Zimbabwe's Constitution and international human rights law. Moreover, the prevention of legitimate trade union activity is contrary to fundamental ILO Conventions on the right to organize and collective bargaining.

The Lawyers Committee is also deeply disturbed by reports relating to the unsanitary conditions in which the detained trade union leaders were held. Other reports indicate that some of the detainees may have been physically mistreated and that they were threatened with further harm should they continue with their union activities. We urge you to investigate such reports and ensure that anyone responsible for mistreatment of or threats against the trade unionists is held accountable. In accordance with Zimbabwe's international obligations, you must ensure that independent trade unions are able to perform their important functions and that union representatives are protected from attack or retaliation.

The Lawyers Committee will continue to monitor the situation of human rights defenders in Zimbabwe closely and would appreciate any information that you can provide pertaining to our concerns. Thank you for your attention to this most important matter.

Sincerely,



Neil Hicks,  
Director, Human Rights Defenders Project

**Cc:**

**Mr. Walter Kansteiner,**  
Assistant Secretary of State  
Bureau of African Affairs  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520-63  
Fax: 202 647 6301

**H.E. Ambassador Joseph Sullivan**  
Embassy of the United States of America  
172 Herbert Chitepo Ave  
Harare,  
Zimbabwe  
Fax: +263 479 6488

**Ms. Hina Jilani**  
UN Special Representative on Human Rights Defenders  
c/o **Mr. Ben Majekodunmi**  
Office of the High Commissioner for Human Rights  
UNOG-OHCHR  
CH-1211 Geneva 10  
Switzerland  
Fax: +41 22 917 9006