

**ACHPR/Res.89(XXXVIII)05: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN ZIMBABWE**

*The African Commission on Human and Peoples' Rights meeting at its 38<sup>th</sup> Ordinary Session in Banjul, The Gambia from 21 November to 5 December 2005;*

**Considering** that Zimbabwe is a Party to the *African Charter on Human and Peoples' Rights* and other international human rights instruments;

**Recalling** the recommendations to the government of Zimbabwe contained in the African Commission Report of the Fact-Finding Mission to Zimbabwe in June 2002;

**Further recalling** the recommendations to the government of Zimbabwe by the United Nations Special Envoy on Human Settlement Issues in Zimbabwe contained in her Report published on 22 July 2005;

**Deeply concerned** by the continued undermining of the independence of the judiciary through defiance of court orders, harassment and intimidation of independent judges and the executive ouster of the jurisdiction of the courts;

**Further concerned** by the continuing human rights violations and the deterioration of the human rights situation in Zimbabwe, the lack of respect for the rule of law and the growing culture of impunity;

**Alarmed** by the number of internally displaced persons and the violations of fundamental individual and collective rights resulting from the forced evictions being carried out by the government of Zimbabwe;

1. **Condemns** the human rights violations currently being perpetrated in Zimbabwe;
2. **Urges** the government of Zimbabwe to cease the practice of forced evictions throughout the country, and to adhere to its obligations under the *African Charter on Human and Peoples' Rights* and other international human rights instruments to which Zimbabwe is a party;
3. **Urges** the government of Zimbabwe to implement without further delay the recommendations contained in the African Commission Report of the 2002 Fact-Finding Mission to Zimbabwe and the recommendations in the July 2005 Report of the UN Special Envoy on Human Settlement Issues, in particular to ensure full and unimpeded access for the provision of aid and protection to the victims of the forced evictions and demolitions by impartial national and international humanitarian agencies and human rights monitors, and to ensure that those responsible for the violations are brought to justice without delay;
4. **Calls** on the government of Zimbabwe to respect the fundamental rights and freedoms of expression, association and assembly by repealing or amending repressive legislation, such as the *Access to Information and Protection of*

*Privacy Act, the Broadcasting Services Act and the Public Order and Security Act;*

5. **Calls** on the government of Zimbabwe to uphold the principle of separation of powers and the independence of the judiciary and urges the government of Zimbabwe to repeal or amend Constitutional Amendment (No.17) and provide an environment conducive to constitutional reform based on fundamental rights;
6. **Calls** on the government of Zimbabwe to cooperate with the African Commission Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa and other African Commission Special Mechanisms, including allowing a Fact-Finding Mission to investigate the current situation of internally displaced persons in Zimbabwe;
7. **Urges** the African Union to renew the mandate of the African Union Envoy to Zimbabwe to investigate the human rights implications and humanitarian consequences of the mass evictions and demolitions.
8. **Calls** on the government of Zimbabwe to cooperate with the African Commission Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa and other African Commission Special Mechanisms, including by allowing a Fact-Finding Mission to investigate the current situation of internally displaced persons in Zimbabwe;
9. **Urges** the African Union to renew the mandate of the African Union Envoy to Zimbabwe to investigate the human rights implications and the humanitarian consequences of the mass evictions and demolitions.