

URGENT ACTION

HUMAN RIGHTS DEFENDER FORCED TO LEAVE COUNTRY
Evan Mawarire has left Zimbabwe fearing for his life as police continue to look for him even after all charges against him in relation to calling for a national stay-away were dismissed and he was freed. He risks arrest if he returns to Zimbabwe.

Evan Mawarire, a pastor and leader of the #ThisFlag a non-aligned social media movement in Zimbabwe, has had to leave his country of residence for fear of his safety. The police have been after him despite a Magistrates' Court dropping the charge against him and his release. Evan Mawarire had been charged after #ThisFlag staged a national stay-away in Zimbabwe on 6 July in protest of the deteriorating socio-economic conditions in Zimbabwe.

At 7am on 14 July, a group of unidentified men came to Evan Mawarire's house in an unmarked white pick-up truck looking for him. On the same day, Evan Mawarire's wife, Samantha, also saw a police vehicle with police officers in it passing close to their house twice. In both instances, the police officers immediately drove off when they saw her. Seven unidentified men in an unmarked vehicle came to his house looking for him the next day on 15 July and when his wife asked for their identification, they left. The seven men also went to his church to inquire about his whereabouts from his personal assistant. The same men went back to his church office on 20 July looking for him and on 8 August they assaulted the caretaker at the church. Four unidentified women and a man visited Evan Mawarire's house inquiring about his whereabouts on 26 August. They have continued to visit his house regularly looking for him.

The police have called Evan Mawarire's lawyers severally asking for his whereabouts. On more than three separate occasions, the President of Zimbabwe made comments against Evan Mawarire, stating that he should 'leave the country and go to those who sponsored him and said his calls for violent protests in the country were un-Zimbabwean.' Evan Mawarire called for a peaceful stay-away and asked people not to engage in violence.

Please write immediately in English or your own language:

- Urging Zimbabwean authorities to stop harassing, intimidating and persecuting Evan Mawarire and his family and to guarantee his safety, personal security and wellbeing and allow him return to Zimbabwe without fear of reprisal;
- Reminding them that as outlined in the UN Declaration on Human Rights Defenders, all states have an obligation to prevent and investigate allegations of human rights abuses against human rights defenders, including violence, threats or any other arbitrary action as a result of the legitimate exercise of their work;
- Asking them to end the harassment, intimidation, attacks, arbitrary arrest and unlawful detention of human rights defenders and activists and perceived opponents of the ruling party ZANU-PF.

PLEASE SEND APPEALS BEFORE 21 OCTOBER 2016 TO:

The President of the Republic of
Zimbabwe

His Excellency Robert Gabriel Mugabe
 Corner Samora and Sam Nujoma
 Harare
 Zimbabwe
 Email: info@opc.gov.zw
Salutation: Your Excellency

Commissioner General Police

Augustine Chihuri
 Zimbabwe Republic Police
 Police General Headquarters
 Cnr 7th Street and Josiah Chinamano
 P.O.Box 8807 Causeway
 Harare, Zimbabwe
 Fax: +263 4 253 212
**Salutation: Dear Commissioner
General**

And copies to:

The Chairperson
 Zimbabwe Human Rights Commission
 Commissioner Elasto Mugawadi
 144 Samora Machel Avenue
 Harare
 Zimbabwe
 Email: info@zhrc.org.zw or
 complaints@zhrc.org.zw

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 169/16. Further information:

<https://www.amnesty.org/en/documents/af46/4465/2016/en/>

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ADDITIONAL INFORMATION

#ThisFlag is a non-aligned social media movement that uses the hashtag #ThisFlag. It was founded by Evan Mawarire, a pastor based in Harare, Zimbabwe. In April 2016 he posted a video online expressing his frustration at the state of the nation. In June 2016, he invited disgruntled citizens to sign an online petition to force Energy and Power Development minister Samuel Undenge to step down over allegations of mishandling public funds through tender irregularities.

Evan Mawarire through #ThisFlag successfully organised a national stay away on 6 July with a majority of working Zimbabweans in both formal and informal employment around the country heeding his call to stay-away from work in a bid to make government respond to pleas for better governance. He called on people to stay-away from work peacefully and not to engage in any violence. There were however some acts of violence during the stay away especially in Bulawayo where government property was destroyed. Some demonstrators also burnt tyres on the roads.

The police summoned him to appear at Harare Central Police Station on Tuesday 12 July. When Evan Mawarire presented himself at the police station, he was arrested and charged with 'incitement of public violence' under Section 36 of the Criminal Law Act. He appeared in court on Wednesday 13 July where this charge was changed to 'subverting a constitutional government' under section 22 of the Criminal Codification Act. The minimum sentence for this charge is imprisonment for a period not exceeding 20 years. However, Evan Mawarire was freed on the same day when the magistrate found his arrest was unconstitutional and dropped the charge against him.

After the stay-away, Evan Mawarire announced that he was asking Zimbabweans to heed his call for second stay-away which would last for two days from Wednesday 13 July to Thursday 14 July. A day before the second stay-away on 12 July, Evan Mawarire was arrested and charged under Section 36 of the Criminal Law (Codification and reform) Act Chapter 9:23 for "inciting public violence and disturbing peace".

Evan Mawarire's family has also had to leave Zimbabwe.

Name: Evan Mawarire

Gender m/f: male

Further Information on UA: 169/16 Index: AFR 46/4779/2016 Issue Date: 9 September 2016