

URGENT ACTION

ZIMBABWE HUMAN RIGHTS DEFENDER RE-ARRESTED

Pastor Evan Mawarire, a human rights defender and leader of the #ThisFlag movement in Zimbabwe, was arrested again on 1 February on arrival at Harare International Airport. He was initially charged with 'subverting a constitutional elected government' and now faces additional charges of 'insulting the flag of Zimbabwe'. He has not been brought before a court. Amnesty International is concerned that Pastor Evan Mawarire's arrest and detention are an attempt to intimidate him and keep him from his human rights work.

Pastor Evan Mawarire, founder and leader of #ThisFlag movement, was arrested again on 1 February on arrival at Harare International Airport. He was arrested by three men in plain clothes before he could go through immigration at the airport. Evan fled to the USA in July 2016 for fear of his safety and recently decided to return back home to Zimbabwe. The police had continued to look for him even after he was released last year, when charges against him were dropped. He was initially charged under Section 22 of the Criminal Procedure Act, for 'subverting a constitutional elected government'. The minimum sentence for this charge is imprisonment for up to 20 years. The police, on 2 February added another charge of insulting the flag of Zimbabwe under section 6 of the Flag of Zimbabwe Act. As of 2 February, Evan had not been brought before a court of law, even if the Constitution sets a period of 48 hours from the moment of arrest to appear before a court.

#ThisFlag is an independent social media movement that staged a national stay-away in Zimbabwe on 6 July 2016 in protest against deteriorating socio-economic conditions. Evan was arrested on 12 July 2016 and charged with '*incitement of public violence*' under Section 36 of the Criminal Law Act in relation to the national stay-away. The charge was later changed to 'subverting a constitutional government' on 13 July 2016. Evan was freed the same day when a magistrate found that his arrest was unconstitutional and dropped the charge against him.

Amnesty International believes that Evan's detention is intended to obstruct his work as a human rights defender and adds to the growing trend by the state to harass and intimidate activists and human rights defenders.

Please write immediately in English or your own language:

- Urging the Zimbabwean authorities to immediately and unconditionally release Evan Mawarire, as he has been detained solely for the peaceful exercise of his rights as enshrined in the Zimbabwe constitution and regional and human rights law and standards;
- Calling on the Zimbabwean authorities to ensure the criminal justice system is not misused to target or harass human rights defenders;
- Urging them to end the practice of arbitrary arrest and unlawful detention of human rights activists.

PLEASE SEND APPEALS BEFORE 17 MARCH 2017 TO:

His Excellency the President of the Republic of Zimbabwe
Robert G. Mugabe
Office of the President
Munhumutapa Building
Samora Machel Avenue
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 Minister of Justice, Legal and Parliamentary Affairs
Emmerson D. Mnangagwa
Ministry of Justice, Legal and Parliamentary Affairs
New Government Complex
Corner 4th and Samora Machel Avenue
6th Floor, Block C address 3
Harare, Zimbabwe
Fax: +263 4 772999

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 second update of UA 169/16. Further information:

<https://www.amnesty.org/en/documents/afr46/4779/2016/en/>

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ADDITIONAL INFORMATION

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

On 6 July 2016, through #ThisFlag, he successfully organised a national stay away with the majority of working Zimbabweans, in both the formal and informal sectors, around the country heeding his call to stay away from work in a bid to make the government respond to pleas for better governance. Evan called for people to stay away from work peacefully and to not engage in any violence. The stay-away was however marred by some acts of violence, especially in Bulawayo, where vehicles and some government property was destroyed. Demonstrators also burnt tires on the roads.

After the stay-away, Evan announced that he was asking Zimbabweans to heed his call for a further 2 day stay-away from Wednesday 13 July 2016 to Thursday 14 July 2016. Evan was arrested on 12 July 2016, a day before the second stay-away, when he presented himself to the police and was charged with '*incitement of public violence*' under Section 36 of the Criminal Law Act in relation to the national stay-away. He appeared in court on Wednesday 13 July 2016, where his charges were changed whilst in court to 'subverting a constitutional government' under section 22 of the Criminal Codification Act. Evan was freed on the same day, after the magistrate found his arrest was unconstitutional and dropped the charge against him.

At 7am on 14 July 2016, 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 2016 looking for him and, on 8 August 2016, 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 2016.

Evan had to leave his country of residence in July 2016 for fear of his safety. The police have been after him despite a Magistrates' Court dropping the charge against him and his release.

Name: Evan Mawarire
Gender m/f: male

Further information on UA: 169/16 Index: AFR 46/5608/2017 Issue Date: 3 February 2017