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Centre (independent NGO), Sudan

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Vitendra Sharma
Senior Advocate, Supreme Court of
India

Surya Tjandra
Lawyer and Director of the Trade
Union Rights Centre, Indonesia

Ozlem Yildirim
Policy Officer, International
Department,
CGT France

Director
Daniel Blackburn, MA, barrister

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Ciaran Cross, LL.M.



International Centre for Trade Union Rights
Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

By e-mail:
info@opc.gov.zw

Attn:
Emmerson Mnangagwa
Office of the President and the Cabinet
Corner Samora Machel Ave and Sam Nujoma
Harare, Zimbabwe

CC:
Clément Nyaletsossi Voule, United Nations Special Rapporteur on the rights
to freedom of peaceful assembly and of association

August 2018

Dear President Mnangagwa,

The International Centre for Trade Union Rights is writing to express grave concerns about reports of gunshots fired by the Zimbabwe National Army (ZNA) at a trade union office in Harare.

ICTUR understands that on 1 August, demonstrations were held in Harare to protest the results of the election held on 30 July. Protestors were met with military and security forces, which fired on protestors, killing six of them and leaving dozens injured. During this violence, it is understood that a slow-moving ZNA truck fired shots at the third floor office of the Zimbabwe Congress of Trade Unions (ZCTU), smashing its windows. It is reported that one ZCTU security officer, Joseph Chuma, received minor injuries on the head caused by the breaking glass. The ZCTU's legal advisor, Zakeyo Mtintema, narrowly escaped being hit by a bullet.

The actions of the ZNA are highly alarming and raise very serious concerns about the administration's commitment to ensuring respect for labour and human rights. ICTUR wishes to remind the Government that the principles of freedom of association are enshrined in the International Labour Organisation Conventions 87 and 98, which Zimbabwe has ratified. Potentially lethal violence meted out against trade unionists constitutes an egregious violation of these rights. Following the interpretation of the ILO's Committee on Freedom of Association, the rights of workers can only be 'exercised in a climate that is free from violence... and it is for governments to ensure that this principle is respected' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-5).

In particular the Committee has expressly stated that ‘attacks against trade unionists and trade union premises and property constitute serious interference with trade union rights’, and that ‘criminal activities of this nature create a climate of fear which is extremely prejudicial to the exercise of trade union activities’. The Committee has declared that such incidents ‘require severe measures to be taken by the authorities.’ Furthermore, the Committee has urged that governments, when examining allegations of such attacks, ‘should carry out an immediate investigation to determine who is responsible and punish the guilty parties’ and ensure ‘the arraignment of those presumed to be responsible before an independent judicial authority’ (*ILO Digest*, paras. 46, 59, 184, 191).

ICTUR calls on the government to initiate a prompt and independent investigation into this attack, to hold those responsible to account, and to provide adequate remedy to the victims. ICTUR further urges the government to undertake all necessary measures to ensure that it complies with Zimbabwe’s obligations under international law, and to protect the fundamental freedoms of workers to join and form unions and take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director