

27 August 2020

STATEMENT

Zimbabwe: Systematic and Targeted Intimidation of Lawyers and Others Amidst Deteriorating Human Rights Situation

The Bar Human Rights Committee of England and Wales (“BHRC”) expresses grave concern about the deteriorating human rights situation in Zimbabwe.

BHRC are particularly concerned by a number of reports of the arrest, detention and intimidation of opposition party activists, lawyers and journalists. Further, there appears to be a clear pattern of systematic and targeted attempts to intimidate lawyers representing those individuals who oppose the ruling party in the country, ZANU-PF.

The following recent reports are of particular concern:

On 31 July 2020 **Obey Shava**, a lawyer, attended a police station together with her clients **Joana Mamombe; Cecilia Chimberi and Netsai Marova** as part of the clients’ bail conditions. All four were arrested. All were subsequently released, although Ms Chimberi was later charged with a further offence of disorderly conduct. The three defendants are female opposition Movement for Democratic Change (MDC) party leaders (one of whom, Ms Mamombe, is an MP) who were detained at a police checkpoint on 13 May 2020 for allegedly attending a protest during lockdown. They state that they were abducted by state agents, beaten, sexually assaulted and forced to drink each other’s urine. They were dumped in a marketplace two days later, receiving hospital treatment for their injuries. On 11 June 2020, they were arrested and charged with publishing or communicating false statements and obstructing the course of justice. They were remanded in custody for over ten days before being admitted to bail.

In relation to the abduction of these three women, the UN Office of the High Commissioner for Human Rights has [called on Zimbabwe](#) to drop the charges against the women and ‘*to immediately end a pattern of disappearances and torture that appear aimed at suppressing protests and dissent*’.

In July: **Hopewell Chin’ono and Jacob Ngarivhume**. Hopewell Chin’ono is a journalist who wrote articles alleging government corruption in the award of

coronavirus procurement contracts. He has been charged with inciting public violence. An opposition politician, Jacob Ngarivhume (leader of the political group Transform Zimbabwe), was also arrested on the same charges having called for protests against corruption. Both have been denied bail and have been kept in custody since their arrests. Zimbabwe Lawyers for Human Rights needed to petition the High Court in order to obtain an order that they were entitled to communicate with their lawyers in private, access food and clothes, access doctors of their choice and PPE to protect them from the coronavirus pandemic.

Mr Chin'ono was represented by **renowned human rights lawyer and member of Lincoln's Inn, Beatrice Mtetwa**. However, the magistrate presiding over his case has banned her from continuing to represent him. As set out in BHRC and the Bar Council's [statement of concern](#) on 20 August 2020, this ruling unduly interferes with and prevents Ms Mtetwa from carrying out her professional duty as a lawyer and appears to form part of a wider pattern of harassment and intimidation by the Zimbabwe authorities for simply doing her job. She has recently been prevented from visiting Mr Chin'ono in prison.

On 22 August 2020, **human rights lawyer, Jeremiah Bamu** was arrested outside Harare Magistrates Court. The previous day he represented **Job Sikhala**, an opposition MDC MP who has been calling for protests against alleged corruption and the government's alleged mishandling of the economy. Job Sikhala was arrested on 21 August 2020 and charged with incitement to commit public violence. Mr Sikhala is currently being held in custody. Mr Bamu was subsequently released without charge.

Background

These actions come on top of previous incidents of suppression and torture since Zimbabwe President Emmerson Mnangagwa came to power in 2017.

In January 2019, BHRC [issued a statement of concern](#) following reports of a state crackdown against civilians during nationwide protests about the economic situation.

A Human Rights Watch investigation has subsequently reported that more than 1055 people were arrested during the protests, many of whom were tortured whilst in police custody, at least 17 people were killed as a result of gunshot injuries as well as severe beatings by security forces, at least 81 people sustained gunshot wounds and injuries. At least 17 women have reported being raped by soldiers in uniform. During the protests, the government instructed internet service providers to shut down access to social media and the internet. The Zimbabwe Human Rights Commission investigated the protests and their aftermath and concluded that the army and police systematically tortured suspected protesters. Little or no efforts were made to bring those responsible to justice. The UN Special Rapporteur on Freedom of Expression and Assembly [stated](#) that *'the order to disperse protesters participating in the demonstrations led to the use of lethal and excessive use of*

force, mass arbitrary arrests and torture. Unlawful restrictions on access to internet were also put in place’.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association [stated in his report of May 2020](#), following a visit to the country, that he *‘is deeply troubled to observe that, following these major events, which occurred between August 2018 and January 2019, there has been a considerable deterioration of civic space in the country, which has re-established an environment of persecution and fear’.*

In the last few days, the naked body of **Lovender Chiwaya**, a local opposition MDC councillor for Ward 4 of Hurungwe Central was found dumped near his home. He is suspected to have been abducted from his home this month. The UK and EU Embassies in Zimbabwe have called for a credible investigation into his death by the authorities. Mr Chiwaya’s death appears to be the second reported murder of an MDC leader in the last month. **Mazwi Ndlovu**, an MDC activist, was abducted and murdered in Bulilima Ward 2 on 25 July 2020. No arrests have yet taken place of those responsible. Indeed, there have been numerous reports of abductions and torture; including teachers, a doctor, civil activists and opposition leaders, allegedly by State agents, since January 2019.

International and Domestic Legal Obligations

Article 69 of the Zimbabwe Constitution ensures the right of every person accused of an offence to a fair trial. Article 69(4) guarantees the right of every person *‘to choose and be represented by a legal practitioner before any court, tribunal or forum’* (emphasis added).

Under the United Nations Basic Principles on the Role of Lawyers, Principle 16 places a duty on states to ensure that lawyers are able to perform their professional functions without *‘intimidation, hindrance, harassment or improper interference’*. Principle 2 of the United Nations Basic Principles of the Independence of the Judiciary, states that *‘The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.’*

Conclusion

The BHRC calls on the Zimbabwean government immediately:

- To cease the arrest, prosecution and intimidation of lawyers for representing their clients’ interests;
- To cease all forms of unlawful state violence against the population (including abductions) and suppression of freedom of expression and assembly;
- To investigate and prosecute any state agents who are alleged to have perpetrated violence against civilians
- To comply with their domestic and international legal obligations.

ENDS.

NOTES FOR EDITORS

1. The Bar Council and BHRC joint statement of 20 August 2020 can be found here: <https://www.barhumanrights.org.uk/bar-council-and-bhrc-statement-on-the-zimbabwean-magistrates-ruling-against-beatrice-mtewa/>
2. The January 2019 BHRC statement can be found here: <https://www.barhumanrights.org.uk/bhrc-issues-statement-by-qc-on-recent-fair-trial-abuses-in-zimbabwe-after-observing-trials-in-harare/>
3. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association's May 2020 report can be found here: <https://undocs.org/en/A/HRC/44/50/Add.2>
4. For an interview with our spokesperson, please contact Josie Fathers, Project Officer on coordination@barhumanrights.org.uk or +44 (0)7854 197862
5. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
6. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.