

Arbitrary Arrest and Detention of Human Rights Defenders in Zimbabwe from 2022-2024

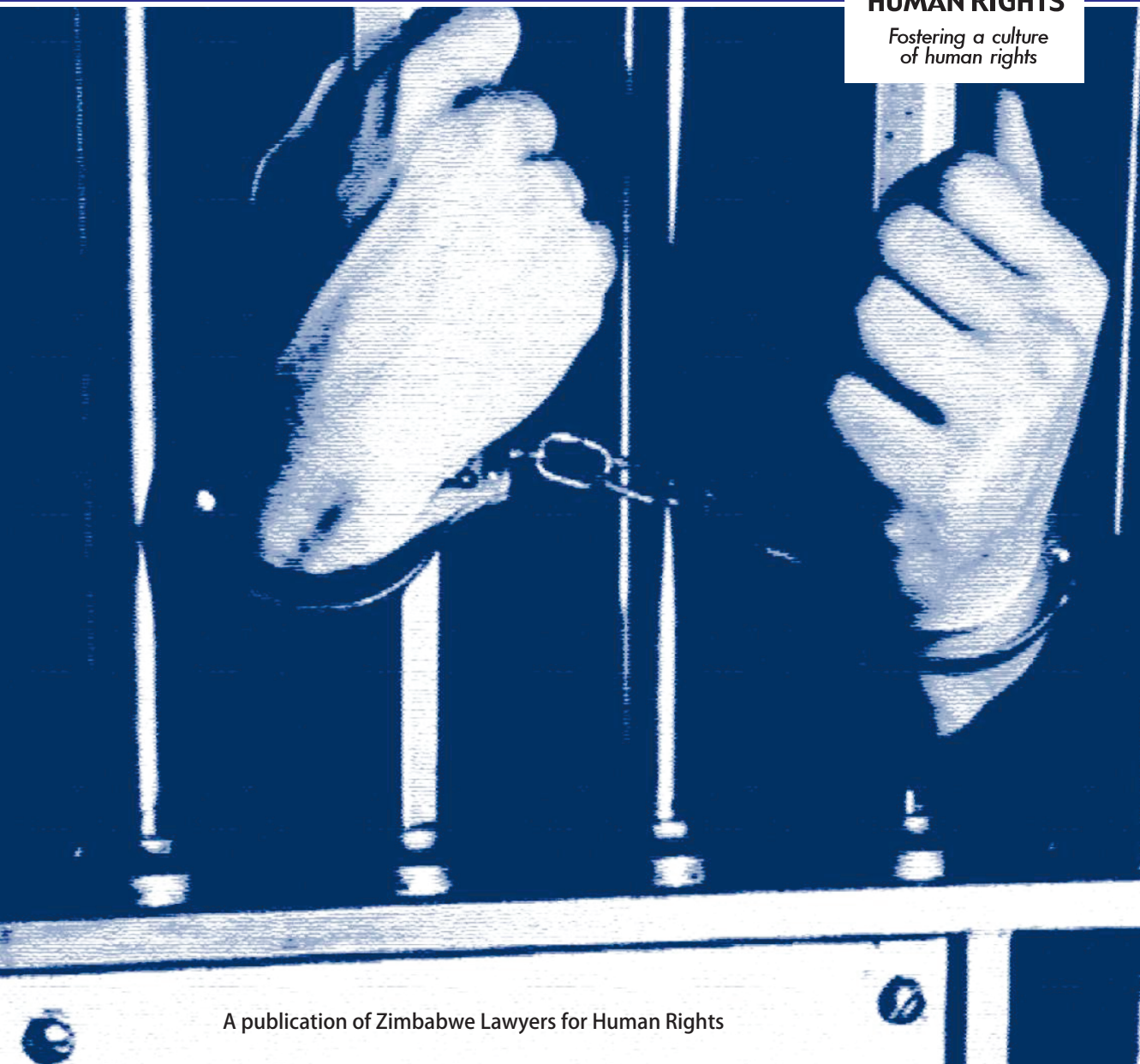
A case analysis of ZLHR interventions



ZIMBABWE
LAWYERS
FOR

HUMAN RIGHTS

*Fostering a culture
of human rights*



ARBITRARY ARREST AND DETENTIONS OF HUMAN RIGHTS DEFENDERS FROM 2022: A CASE ANALYSIS OF ZLHR INTERVENTIONS

by Tinashe S. Chinopfukutwa

Editing: Roselyn Hanzi

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@ Zimbabwe Lawyers for Human Rights

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Contacts : Zimbabwe Lawyers for Human Rights

No. 103 Sam Nujoma

Harare

(0242)251468 /705370

Email: info@zlhr.org

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Roselyn Hanzi

Executive Director

Zimbabwe Lawyers for Human Rights

ABOUT ZIMBABWE LAWYERS FOR HUMAN RIGHTS

Established in February 1996, Zimbabwe Lawyers for Human Rights (ZLHR) is a not-for-profit law-based human rights organisation. ZLHR works to foster a culture of human rights in Zimbabwe by encouraging the growth and strengthening of human rights at all levels of Zimbabwean society through the observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information, and the protection of constitutional rights, human rights, and freedoms enshrined in human rights instruments in Zimbabwe and the surrounding region. We keep these values central to our programming activities. ZLHR holds observer status with the African Commission on Human and Peoples' Rights, is a sustaining partner of the Southern Africa Development Community Lawyers' Association and has affiliate status with the International Commission of Jurists.

ZLHR's aims and objectives are:

1. To strive to protect, promote, deepen and broaden the human rights provisions in the Constitution of Zimbabwe.
2. To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important sub-regional, regional and international human rights instruments.
3. To strive for the adoption of a Southern African Development Community (SADC) Charter on Human Rights and to develop and/or strengthen the implementing mechanisms.
4. To endeavour to find common ground with and to work alongside other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for and interest in human rights.
5. To liaise and work with other human rights groups wherever situated but particularly in Southern Africa, and especially those closely linked to the legal profession.
6. To do all other things necessary to promote and protect human rights, the rule of law and the separation of powers in Zimbabwe and the region.

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LIST OF ACRONYMS

ACHPR — African Commission on Human and Peoples' Rights

AIPPA — Access to Information and Protection of Privacy Act

ANZ — Associated Newspapers of Zimbabwe

ARTUZ — Amalgamated Rural Teachers Union of Zimbabwe

AU — African Union

BUSE — Bindura University of Science

CSO — Civic Society Organisations

GMB — Grain Marketing Board

HRDs — Human rights defenders

ISO — International Socialist Organisation

JSC — Judicial Services Commission

LSZ — Law Society of Zimbabwe

MDC — Movement for Democratic Change

MOPA — Maintenance of Peace and Order Act

NAYO — National Association of Youths Organisations

NCA — National Constitutional Assembly

NGOs — Non-Governmental Organisations

NHRIs — National Human Rights Institutions

OAU — Organisation of African Unity

POSA — Public Order and Security Act

PPE — Personal Protective Equipment

PVO — Private Voluntary Organisations Amendment Act

SADC — Southern Africa Development Community

UNHRDs — United Nations Human Rights declaration

WOZA — Women of Zimbabwe Arise

ZANU-PF — Zimbabwe African National Union-Patriotic Front

ZINASU — Zimbabwe National Students Union

ZLHR — Zimbabwe Lawyers for Human Rights

ZRP — Zimbabwe Republic police

CHAPTER 1

INTRODUCTION

1.1 BACKGROUND

Human rights defenders (HRDs) are people who, individually or collectively, act and or strive to promote, protect and realise human rights at the domestic and or international level.¹ According to Article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UNHRDs Declaration), HRDs are defined by their role as

“individuals or groups who act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms through peaceful means”²

In Article 1 of the African Commission on Human and Peoples’ Rights Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa, a HRD is defined as

“any person who, individually or in association with others, acts or seeks to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms, at the local, national, regional and international levels”³.

Therefore, from the above-mentioned instruments, the following are the elements and characteristics which qualify a person to be described as a human rights defender:

- (a) Any person, either individually or in association with others, thus the title shows that persons include individuals, groups and organs of society. As groups or individuals in association with others, civil society organisations fit within this essential element. It follows that if the second essential element is satisfied, individuals, such as those forming an organisation and the organisation as a separate legal person, may be entitled to the protection that is afforded to human rights defenders.
- (a) Striving for the protection and realisation of human rights and fundamental freedoms at the national and international levels – the nature of the work that the individual or the association of individuals is undertaking is the second element that defines a human rights defender. If the work

1 Article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, available at <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders> [last accessed on 31 December 2025].

2 As above.

3 African Commission on Human and Peoples’ Rights Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa at <https://achpr.au.int/sites/default/files/files/2024-01/eng-draft-african-declaration-hrd.pdf> [last accessed on 31 December 2025].

that the individual or group is doing relates to protection and realisation of human rights, then this second element is satisfied.

HRDs play an essential role in promoting and protecting human rights. Their work extends to strengthening conflict prevention, peacebuilding, environmental protection, and safeguarding civil, political, economic, and social rights. The vital contribution of HRDs is recognised in article 16 of the UNHRDs Declaration, which states that:

“Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities”.⁴

HRDs operate at various levels. At the national level, they work to advance and protect human rights within their own communities and countries.⁵ Other HRDs operate regionally and internationally beyond their countries’ borders, typically monitoring regional or international human rights situations and trends. They further engage regional and international human rights mechanisms and bodies, such as the African Commission on Human and Peoples’ Rights (ACHPR), the African Court on Human and Peoples’ Rights (African Court), Special Rapporteurs, the Human Rights Council, and other United Nations treaty-based human rights bodies, among others.

HRDs also investigate, collate information and produce reports on human rights situations and violations. They can do this individually or collectively as organisations. These reports are often used by HRDs for lobbying and advocacy. Moreover, they work to support victims of human rights violations. Support can be varied, ranging from legal and medical support to solidarity, welfare, and capacity building, among other forms.⁶ Similarly, HRDs, individually or collectively, push their governments to improve governance and political culture. They do this by advocating for democratic governance

4 See also Article 71 of the United Nations Charter which states that “the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned”.

5 OHCHR, “About Human Rights Defenders”, available at <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders#ftn1> [Last accessed 20 November 2025].

6 Amnesty International, “Towards the Promotion and Protection of the Rights of Human Rights Defenders in Africa Amnesty International’s recommendations to the Focal Point on Human Rights Defenders of the African Commission on Human and Peoples’ Rights”, page 4.

architecture in their countries, the rule of law, the creation of strong and independent institutions that support democracy, and the eradication of corruption.⁷

In the same vein, in their watchdog role, HRDs work to eradicate impunity by state actors and businesses while promoting and upholding accountability. They do so through advocacy, lobbying, and the provision of legal services, including anti-impunity and strategic litigation to ensure accountability.

Furthermore, HRDs play a role in civic education, informing communities and citizens about fundamental freedoms and human rights. This function is crucial, as it empowers individuals and communities to be aware of their entitlements, assert and demand their rights and seek remedies for violations, and effectively assert and protect those rights. Such efforts complement the state's obligation to promote human rights. HRDs may carry out this role individually or collectively through human rights organisations.⁸

It is also important to note that HRDs include individuals who work to protect and promote human rights in both professional and non-professional settings. In professional contexts, this often includes individuals employed and remunerated by organisations engaged in human rights work, such as lawyers, doctors, and social workers.

However, HRDs also encompass those who advocate for human rights outside formal employment structures, including students, community members protesting environmental harm, or citizens speaking out against corruption and poor governance.⁹ As such, the capacity or form in which one acts as an HRD is immaterial. The crucial factor will be the efforts made to protect, promote, and realise human rights in all their dimensions. This diversity underscores and reinforces the universal nature of human rights. Given the vital, necessary, and often high-risk work conducted by HRDs, it is imperative that their role is legally recognised and that they are afforded adequate legal protection.¹⁰

1.2 INTERNATIONAL AND REGIONAL HUMAN RIGHTS STANDARDS ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS

On the international level, the UNHRDs Declaration is a key instrument that sets out standards to ensure that states support the work of HRDs and provide a safe and enabling environment for them. As stated above, article 1 of the UNHRDs Declaration defines an HRD as any person seeking to

7 As above.

8 Note 6 above.

9 Available at <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders#ftn1> [Last accessed on 20 November 2025].

10 Amnesty International's recommendations to the Focal Point on Human Rights Defenders of the African Commission on Human and Peoples' Rights, Amnesty International 19 March 2004, *AI Index*: AFR 46/001/2005, page 2.

promote and realise human rights, either working individually or collectively as part of a group.¹¹ More importantly, the Declaration affirms the right of individuals to engage in human rights work in any form. This is significant because it reinforces that the work of HRDs should not be criminalised by the state, as those carrying out such work are protected under international human rights law.

Furthermore, the UNHRDs Declaration addresses the practical needs and realities necessary for HRDs to effectively carry out their work. Specifically, article 5 of the declaration guarantees the right of every person, whether working individually or collectively, to peacefully assemble and gather, to organise themselves in various formations such as non-governmental organisations (NGOs), associations, or groups, and to communicate with other NGOs and international organisations. The provisions of article 5 are critical for HRDs as they aim to create a supportive environment that enables them to carry out their work effectively. Against this backdrop, the arrest of HRDs for engaging in peaceful protests, submitting petitions, attending meetings, or the enactment of restrictive laws such as the Private Voluntary Organisations Amendment Act (PVO Amendment Act) must be critically examined, as they *prima facie* directly undermine these internationally recognised rights.¹²

In article 8, the UNHRDs Declaration affirms the rights of HRDs to participate in the governance of their countries on an equal footing with other citizens. It also explicitly protects their right to freely express themselves and critique public authorities, and to offer alternative perspectives for the promotion, protection and realisation of human rights. This is particularly important to safeguard HRDs who challenge or hold public bodies accountable, ensuring they can voice dissent without obstruction. Consequently, the arrests of individuals for exposing corruption, criticising government actions, or allegedly undermining the authority of the president must be assessed against the backdrop of this international normative framework.

Furthermore, article 9 of the UNHRDs Declaration provides that HRDs have a right to an effective remedy in the event that their human rights have been violated in the course of their duties. This provision entitles HRDs whose rights have been violated to seek judicial redress, which must be provided promptly. Any compensation or awards must be paid by the state without undue delay. However, in the Zimbabwean context, HRDs' ability to obtain effective judicial remedies and timely compensation for rights violations is constrained by the law. Primarily, section 69 of the Police Act¹³ imposes an unduly short eight-month prescription period for victims to bring claims against the police, while section 5(2) of the State Liabilities Act¹⁴ protects state property from attachment in the execution of judgments.

Consequently, many HRDs are left without an effective remedy. The provisions of the State Liabilities Act have left HRDs holding onto judgments in their favour that remain unsatisfied for years, as they cannot enforce them due to the protection of state property from attachment. This erodes the

11 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 1.

12 Note 11 above.

13 The Police Act [Chapter 11:10], Section 69.

14 Section 5(2) of the State Liabilities Act.

protections envisaged in article 9 of the UNHRDs Declaration, rendering the right to judicial remedy ineffective and largely symbolic. More importantly, it perpetuates a culture of impunity.

Another key aspect of the UNHRDs Declaration is that it protects and guarantees HRDs' rights to mobilise resources and funding for their activities. In this regard, Article 13 of the UNHRDs Declaration states that:

“Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.”

This provision recognises that HRDs often lack the resources necessary to protect and promote human rights and thus need to mobilise resources to discharge their functions effectively. Any laws, policies, or practices that hinder or obstruct HRDs' ability, whether acting individually or collectively as organisations, to access resources for their activities, should be evaluated in this context. This is important because HRDs cannot rely on payment for their services, as the victims they assist are often economically disadvantaged. Consequently, HRDs mobilise resources in a variety of ways, such as donations, sales of materials, campaigns, and subscriptions, among others. These fundraising initiatives are legitimate to the same extent as the methods used to carry them out.¹⁵ The work of defending human rights should not be impeded due to a lack of resources.

Furthermore, under article 13, the UNHRDs Declaration provides a fundamental guarantee of protection for HRDs doing their work by placing an obligation on states to take all necessary measures to ensure HRDs are protected from discrimination, reprisals, violence, and any other arbitrary action resulting from their legitimate work. This is an important safeguard for HRDs, ensuring they conduct their work in an environment where their personal security, liberty, and dignity are guaranteed. This is particularly critical for HRDs working in conflict zones or under governments that view them as threats to power and authority. In Zimbabwe, for instance, the government has often labelled HRDs as political opposition members or puppets of Western countries, regime change agents, reflecting a hostile attitude that undermines their legitimacy and impedes their vital work.

Regionally, the African Union (AU) and its predecessor, the Organisation of African Unity (OAU), have taken significant steps to recognise and protect the role of HRDs. In terms of article 45 of the African Charter on Human and Peoples' Rights (African Charter), the African Commission on Human and Peoples' Rights (ACHPR), which is the treaty body responsible for promoting and protecting human rights on the continent, has the mandate to engage with HRDs by, among other functions, to

“collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage

¹⁵ Amnesty International's recommendations to the Focal Point on Human Rights Defenders of the African Commission on Human and Peoples' Rights, Amnesty International 19 March 2004, *AI Index: AFR 46/001/2005*, page 7.

national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments".¹⁶

In 1999, the OAU urged African States to take steps to ensure that the UNHRDs Declaration is fully implemented in Africa.¹⁷ Similarly, the ACHPR has played a key role in advancing the protection of HRDs in Africa. At its 35th Ordinary session held in Banjul, The Gambia in 2004, the ACHPR appointed a Special Rapporteur for HRDs in Africa and in doing so adopted a resolution to the following effect:

"to promote and give full effect to the UN Declaration on Human Rights Defenders, to take all necessary measures to ensure the protection of human rights defenders and to include information on measures taken to protect human rights defenders in their periodic reports".¹⁸

In 2017, representatives of civic society organisations (CSOs), national human rights institutions (NHRIs) and governments from across Africa met in Cotonou, Benin under the auspices of the ACHPR where they adopted the "*Cotonou Declaration on Strengthening and Expanding the Protection of all Human Rights Defenders in Africa*", commonly known as the Cotonou Declaration.¹⁹

This Cotonou Declaration acknowledged the grave human rights violations faced by HRDs across the continent and highlighted the numerous challenges impeding their work. The Cotonou Declaration noted that African governments had resorted to anti-terrorism laws to curtail fundamental human rights, such as freedom of association and assembly. The Cotonou Declaration also noted that these anti-terrorism laws often authorise prolonged pre-trial detention and impose severe penalties, in some cases even the death penalty. It emphasised that such laws were increasingly being misused to suppress legitimate activities of HRDs advocating for good governance, accountability and respect for human rights. The Cotonou Declaration also observed that African States were formulating laws to restrict the formation, operation and activities of NGOs or their ability to gather or hold meetings, as doing so would attract criminal law sanctions. Furthermore, it also observed that African States are implementing laws to restrict NGOs from receiving external funding in an effort to throttle the activities of HRDs.²⁰

In addition, the Cotonou Declaration identified torture, enforced disappearances, reprisals, arbitrary arrests and detentions and extrajudicial killings as some of the grave challenges faced by HRDs in

16 Article 45(1)(a) of the African Charter.

17 Organization of African Unity, Grand Bay (Mauritius) Declaration and Plan Of Action, adopted at Grand Bay, Mauritius on 16 April 1999, paragraph 19.

18 African Commission on Human and Peoples' Rights, Resolution on Protection of Human Rights Defenders in Africa, 35th Ordinary Session, Banjul, the Gambia, June 2004.

19 ACHPR, "Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa ", available at <https://achpr.au.int/index.php/sw/node/1216> [last accessed on 13 November 2025].

20 Paragraph 1 of the African Commission on Human and Peoples' Rights Cotonou Declaration on Strengthening and Expanding the Protection of all Human Rights Defenders in Africa.

Africa.²¹ These violations create a chilling effect on their work, instilling fear and discouraging them from continuing their vital efforts to promote and protect human rights.

The Cotonou Declaration urged all African States to adopt effective measures to prevent harm to HRDs and, where such harm occurs, to ensure prompt and effective remedies. Furthermore, the Cotonou Declaration also called upon all African States to desist from criminalising the work of HRDs or launching reprisals against HRDs for doing their work.²²

Moreover, the Cotonou Declaration urged African states to repeal punitive and repressive laws, practices and policies which violate the right to freedom of association and assembly, and non-discrimination. It also called on African States to publicly recognise HRDs and to support their work by educating the populace about their work.²³

At the 60th session of the ACHPR held in Niamey, Niger in May 2022, the ACHPR adopted the Guidelines on Freedom of Association and Assembly in Africa.²⁴ The guidelines are aimed at “*crystallising human rights standards, as they continue to evolve, with the understanding that new challenges may emerge in the course of time.*”²⁵ These guidelines are important to HRDs because they set human rights standards for their protection.

The ACHPR Guidelines on Freedom of Association and Assembly in Africa set out several fundamental principles that one must be cognisant of when interpreting them. These include the presumption in favour of the exercise of the right, the right to a remedy for human rights violations, and impartiality of governmental agencies in the exercise of their duties and powers, amongst others. However, the most notable principle within the context of HRDs that is laid down in the ACHPR guidelines is the principle that:-

“The independence of civil society and the public sphere shall be ensured, and the participation of individuals in the political, social and cultural life of their communities shall be enabled.”²⁶

This implies that in interpreting their obligations in terms of the African Charter, states must do so in a manner that enables the existence of an independent civil society and the participation of individuals in the political, social and cultural life of their communities should be actualised. This therefore speaks

21 Note 20 above, paragraph 3.

22 Note 20 above paragraph 4.

23 Note 20 above recommendations by the African Commission on Human and Peoples’ Rights.

24 <https://achpr.au.int/index.php/en/soft-law/guidelines-freedom-association-and-assembly-africa> [Last accessed 13 November 2025].

25 African Commission on Human and Peoples’ Rights, Guidelines on Freedom of Association and Assembly in Africa, page 4.

26 Item (iii) Fundamental Principles of the African Commission on Human and People’s Rights, Guidelines on Freedom of Association and Assembly in Africa.

to the work of HRDs in their various roles and formations and the overarching need for HRDs to carry out their work freely and independently.

The ACHPR Guidelines provide that in giving effect to the right to freedom of association and assembly, states must guarantee the right to freedom of assembly and association, and they must facilitate the ability of individuals to exercise the right as an individual or in association with others as an association.²⁷ Thus, the right to freedom of association must be interpreted in a manner that allows HRDs to associate collectively or individually.

Furthermore, the ACHPR Guidelines emphasise the need for associations to freely formulate their activities and objectives.²⁸ More crucially, article 25 of the ACHPR Guidelines provides that associations must be able to participate freely in the political, social and cultural life of their societies and to be involved in human rights, democratic governance and economic affairs at the national, regional and international levels. These human rights standards are significant because they impose an obligation on states to create an enabling environment that allows HRDs to carry out their work effectively and without interference.

The ACHPR Guidelines also provide that the right to freedom of association must be taken to subsume the right of HRDs operating within associations to comment publicly on state reports submitted to national, regional and international bodies. This directly protects one of HRDs' functions, namely engagement with international human rights bodies.

Article 29 of the ACHPR Guidelines unequivocally states that:-

“States shall respect, in law and practice, the right of associations to carry out their activities, including those denoted above, without threats, harassment, interference, intimidation or reprisals of any kind.”

Similarly, Article 30 of the ACHPR Guidelines also states that:-

“States shall protect associations, including their principal and most visible members, from threats, harassment, interference, intimidation or reprisals by third parties and non-state actors.”

These Guidelines impose an obligation on states to protect HRDs without impediments or threats to their personal security, lives, or liberty.

The ACHPR has also developed a draft Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa. The draft was published by the ACHPR in January 2024 to allow stakeholders to provide input. Notably, this draft declaration addresses the specific needs of HRDs by defining HRD and then setting out their rights, state obligations, limitations, mandates, and

27 Article 8 of the African Commission on Human and Peoples' Rights Guidelines on the Right of Freedom of Association and Assembly in Africa.

28 Article 23 of the African Commission on Human and Peoples' Rights Guidelines on the Right of Freedom of Assembly and Association.

reporting requirements. This draft declaration explicitly provides that HRDs must not be subjected to reprisals for doing their work.²⁹

It is therefore apparent from the foregoing that HRDs are afforded fundamental rights and protection on the regional and international levels. Having set out the regional and international human rights standards that relate to HRDs, this publication will now provide a historical account of the arbitrary arrest of HRDs in Zimbabwe.

29 Draft Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa, available at <https://achpr.au.int/sites/default/files/files/2024-01/engdraft-african-declaration-hrd.pdf> [Last accessed 19 November 2025].

CHAPTER 2

ARBITRARY ARRESTS AND DETENTION OF HUMAN RIGHTS DEFENDERS IN ZIMBABWE: A HISTORICAL NARRATIVE

2.1 HISTORICAL CONTEXT

HRDs in Zimbabwe have always been subjected to arbitrary arrests and detentions. They have been subjected to arbitrary arrests, detentions, malicious prosecutions, torture, other cruel, inhuman and degrading treatment and punishment and in some cases enforced disappearances. On 7 February 2001, Mr Tawanda Hondora, a lawyer and the then board chairperson of the Zimbabwe Lawyers for Human Rights (ZLHR) was arrested and detained by members of the ZRP after he and two other lawyers had gone to a rural area to investigate allegations that witnesses who had testified in an electoral challenge were being harassed upon returning home. When the two other human rights lawyers attended at the police station to attend to Mr Hondora, the Officer in Charge, Assistant Inspector Majora detained them as well and proceeded to lecture them about the evils of the MDC.³⁰

On 3 June 2002, the ZRP officers arrested the then President of the Law Society of Zimbabwe (LSZ), the late Sternford Moyo and the then Secretary of the LSZ Wilbert Mapombere. The arrests followed a public verbal attack on the then Law Society of Zimbabwe president Sternford Moyo by the then Minister of State for Information and Publicity, Jonathan Moyo for working for British imperialists and their donors to destroy the country's sovereignty by invoking notions of judicial independence. Sternford Moyo had criticised the appointment process of judges in which it appeared as if the superior courts bench was being packed with loyalists of the government.³¹

The ZRP searched the offices of the LSZ, then Secretary Wilbert Mapombere, and proceeded to search Sternford Moyo's office. Wilbert Mapombere and Sternford Moyo were both taken to Harare Central Police Station, where they were shown two letters, one which was purportedly on a LSZ letterhead and purportedly signed by Mapombere to the British High Commissioner, and another, an unsigned letter purportedly written by Sternford Moyo to the then Secretary General of the MDC. The ZRP charged the two with contravening section 5 of the then Public Order and Security Act (POSA), alleging that they had planned a meeting on 4 March 2002 for peaceful protests and mass action with the Movement for Democratic Change (MDC), the main opposition then, and had urged the MDC to withdraw from the talks with ZANU-PF. These allegations were patently false because, as at 4 March 2002, the 2002 Presidential elections had not been held, and the talks with ZANU-PF commenced only after the 2002 Presidential elections, when the idea of mass action was mooted. The allegations were also baseless

30 Geoff Feltoe, *Repression Camouflaged as Law*, Paper Produced for Civic Society and Justice Symposium, August 2003, page 15.

31 As above page 16.

because organising peaceful protests does not constitute any criminal conduct, as it is constitutionally protected by the guarantees of freedom of assembly and association.

Sternford Moyo and Wilbert Mapombere were released from police custody just before midnight. However, Sternford Moyo was then re-arrested from his home hours later and taken to Highlands Police Station where he was detained. The next morning, Sternford Moyo was taken to Harare Central Police Station, where he was detained up to about 15:30 hours. The two leaders of the LSZ and the rest of the staff at the were taken to Lake Chivero, where they were separately interrogated. They returned to Harare where, Sternford Moyo was detained at Borrowdale Police Station and Wilbert Mapombere was detained at Avondale Police Station. Human rights lawyers filed a habeas corpus application at the High Court demanding that the two lawyers be produced before a court. The High Court issued a *habeas corpus* order and ordered that Sternford Moyo and Wilder Mapombere be brought before the High Court. They were then brought before the High Court the following morning, and Justice Garwe held that there was a reasonable suspicion that an offence had been committed, notwithstanding the fact that a non-existent section of the POSA had been cited by the police.³²

The onslaught against lawyers defending the human rights of their clients in the course of their professional duties continued with the arrest on spurious charges, torture and inhuman treatment of Gugulethu Moyo, who was the Associated Newspapers of Zimbabwe (ANZ) lawyer and corporate affairs director. On 18 March 2003, Gugulethu Moyo attended Glenview Police Station in the company of human rights lawyer Alec Muchadehama to attend to one of the ANZ photographers who had been arrested while on duty covering mass protests in Glenview³³. While at the police station, waiting to attend to their client, Jocelyn Chiwenga, the then-wife of the then-army general Chiwenga, arrived with truckloads of police officers and army trucks. She accused the lawyers of working for the British and began assaulting Gugulethu Moyo, together with the other police officers. They were subsequently detained at Glenview Police Station for hours. Later, Jocelyn Chiwenga ordered that Gugulethu Moyo be taken to Harare Central Police Station, where she was subjected to further torture and denied access to medical help. She was detained from 18 to 20 March 2003 and was only released after the High Court had issued an order compelling the police to release her.³⁴ She instituted a civil claim against the police and Jocelyn Chiwenga. On 30 June 2003, Gugulethu Moyo went to Harare Central Police Station to attend to Daily News newspaper staff who had been arrested. While at the Harare Central Police Station, the police then informed her that they were charging her with incitement to commit public violence on 18 March 2003 when she had attended Glenview Police Station to attend to her client. She strenuously denied the allegations, describing them as malicious and fabricated in her warning and cautioned statement.³⁵

On 4 June 2003, Bulawayo lawyer and ZLHR member Kossam Ncube was threatened with arrest while looking for his client at West Commonage Police Station. On 5 June 2003, Kossam Ncube and his colleague Trevor Ncube were arrested and detained together with women who wanted to bring food for

32 Note 31 above.

33 Geoff Feltoe. *Repression Camouflaged as Law*, Paper Produced for Civic Society and Justice Symposium, August 2003.

34 As above.

35 Note 33 above.

people detained at the police station. They were detained for several hours and were only released after the intervention of other ZLHR lawyers.³⁶

On 24 January 2003, police arrested five employees of the Lutheran World Federation. A Daily Newspaper reporter Fanuel Jongwe and two drivers were also arrested. The police insisted they had arrested them because they were journalists, but the group said they were aid workers who had gone to Zvishavane to monitor the distribution of food aid. The police confiscated various materials from them, including notebooks, a laptop and a camera. Fanuel Jongwe was charged with contravening section 72(1) of the then draconian Access to Information and Protection of Privacy Act (AIPPA) but the charges were later withdrawn when he appeared in court. The rest of the group was also released after a Zvishavane Magistrate refused to remand them, finding that no criminal conduct had been established to warrant remand.³⁷

The state's proclivity to resort to repressive laws to target HRDs by subjecting them to arbitrary arrests and detention is also explained by the arrest of the then Daily News newspaper chief photographer and two American journalists, namely Dana Kraft and Justin Beaubien of the Associated Press and the African Correspondent for the National Public Radio, respectively. The American journalists had been duly accredited to the World Food Programme's fact-finding mission. However, the journalists were arrested on 28 January 2003 while covering the food crisis in Bulawayo, during which they had gone to the Grain Marketing Board (GMB) offices to seek an interview with GMB officials. They were arrested, detained and charged with unlawful entry and taking photographs in a restricted area.³⁸ They were detained for seven hours before being released without charge.

During the same period, Pedzisayi Ruhanya, a journalist then with the Daily News, and Ish Mafundikwa, a freelance journalist, were arrested at the Harare High Court as they attempted to gain entry to the court premises to cover the first day of Morgan Tsvangirai's treason trial. They were detained overnight at Harare Central Police Station and were released the following day without charge.³⁹

On 13 February 2003, members of the Crisis Coalition Zimbabwe, Brian Kagoro and John Makumbe, were arrested and detained at Borrowdale Police Station after police swooped on their meeting at a Harare church hall where they were discussing the role of the church in civic society in Zimbabwe. An American diplomat, a church pastor and an NGO leader were also taken into custody. Brian Kagoro and John Makumbe were charged with contravening the POSA for holding a meeting without police permission. This was despite the meeting having been sanctioned by the police.⁴⁰

On 14 February 2003, the police in Harare arrested seventy-two women who were marching for love and peace. The detainees included Jennie Williams of the Women of Zimbabwe Arise (WOZA), two political activists affiliated to the MDC, Trudy Stevenson and Evelyn Masaiti. An elderly nun and

36 Zimbabwe Human Rights Bulletin, Produced by Zimbabwe Lawyers for Human Rights, Issue Number 9, October 2003, page 65.

37 Note 36 above.

38 Note 36 above.

39 Note 36 above.

40 Note 36 above.

an eighteen-year-old boy accompanying his mother were also arrested. They were detained at Harare Central Police Station for two hours and later released, except for Jenni Williams, who was charged under POSA and advised that she would be brought to court by summons.⁴¹

On the same day, fourteen women and Father Nigel Johnson were arrested for marching and subsequently detained *incommunicado* for four days at Bulawayo Central Police Station. They were released after four days without charge.⁴²

On 3 January 2003, the editor of the Mirror newspaper was arrested in Masvingo and charged with contravening section 80 of the AIPPA for allegedly publishing falsehoods. The arrest was in connection with an article published by the newspaper about four National Constitutional Assembly (NCA) members who had been arrested for distributing pamphlets urging the public to participate in a stay-away.⁴³

In Chipinge, on 11 March 2003, a 19-year-old newspaper vendor was arrested for selling the Daily News newspaper, which had a headline titled “*Mugabe must be tried*”. He was detained for several hours without charge and released only after ZLHR lawyers intervened.⁴⁴

On 16 May 2003, Andrew Meldrum, an American journalist, went to the immigration offices where he was told that the Minister of Home Affairs had declared him to be a prohibited immigrant and that he was to be deported. He was informed that his residence permit had been revoked, and he was immediately taken into police custody and detained. A few hours later, his lawyer, Beatrice Mtetwa, secured a High Court order stopping the authorities from deporting Meldrum. The state ignored the court order. Meldrum was deported to the United Kingdom.⁴⁵

On 23 September 2004, journalists Vincent Kahiya, Augustine Mukaro and group general manager Raphael Khumalo were arrested and charged with abusing journalistic privilege under section 80 of AIPPA. This was in connection with an article which had been published in the Zimbabwe Independent newspaper, which alleged that the two lay assessors in the Tsvangirayi treason trial had blocked the then Justice Garwe from delivering the verdict until they had seen a transcribed copy of the record of proceedings. This had also been confirmed by the High Court Registrar through a statement. They were detained and later released.⁴⁶

In October 2005, freelance journalists Tsvangirayi Mukwazhi, Desmond Kwande and Howard Burditt were arrested and detained while covering a demonstration by WOZA members against the NGO Bill.

41 Note 36 above.

42 Zimbabwe Human Rights Bulletin, Produced by Zimbabwe Lawyers for Human Rights, Issue Number 9, October 2003, page 66.

43 Note 42 above.

44 ZLHR Annual Reports (Year 2003).

45 Geoff Feltoe, Repression camouflaged as Law, Paper Produced for Civic Society and Justice Symposium, August 2003, page 22.

46 Note 42 above.

They were detained at Bulawayo Central Police Station and then released the following day without charge.⁴⁷

On 23 April 2007, 56 members of WOZA were arrested after protesting the rise in commodity prices and the deteriorating economy. They were detained for 2 days and charged under the POSA, on the grounds that they had not notified the police of their intention to demonstrate.⁴⁸

On 25 January 2008, 29 members of a local NGO, Restoration of Human Rights (ROHR) were arrested as they were marching in protest against repressive legislation. Police officers violently broke up the march and assaulted the marchers. The police subsequently arrested them and took them to Harare Central Police Station, where they were made to pay fines for “disorderly conduct”.⁴⁹

On 31 May 2008, police arrested ZLHR member lawyer who was then member of parliament (MP) for Buhera West, Eric Matinenga after he had visited MDC activists who were detained in Buhera West on charges of inciting public violence. Matinenga was detained for four days until a Magistrate ordered his release for lack of evidence. Eric Matinenga was again re-arrested on 7 June 2008 and he was charged with inciting public violence and was only released on bail on 26 June 2008. His matter had to be handled by the then Chief Magistrate Mandeya, after all the other magistrates in the area declined to deal with it.⁵⁰

On 17 September 2008, 10 student leaders at Bindura University of Science (BUSE) were arrested after their protest had been broken down by the police. They were detained for more than 12 hours without food and water. The student leaders were assaulted while in police custody as the police vowed to them that they wanted to “*flush out and deal with little MDC trouble makers*”.⁵¹

On 28 May 2008, 14 members of WOZA were arrested again for conducting a protest against election-related violence. They were charged with breaching the peace, while Jenni Williams faced additional charges emanating from the Criminal Code that include publishing falsehoods prejudicial to the state and causing disaffection amongst the police. 12 of the WOZA members were granted bail, but Jenni

47 Note 42 above.

48 In this respect the European Parliament declared itself “deeply concerned by the news that 56 women belonging to Zimbabwe’s NGO ‘Women of Zimbabwe Arise’ were arrested on 23 April 2007 and that ten of their babies were jailed with them” (See Resolution P6_TA (2007) 0172 of the European Parliament on Zimbabwe, April 26, 2007).

49 United States of America, Department of State, Bureau of Democracy, Human Rights and Labour 2008 country reports on human rights practices (Zimbabwe), 25 February 2009, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2008/af/119032.htm> [Last accessed on 1 December 2025].

50 Note 49 above.

51 Note 49 above.

Williams and Magodonga Mahlangu were denied bail. They were finally granted bail on 23 July 2008 and ultimately removed from remand on 15 October 2008 as the state was not ready to prosecute them.⁵²

On 3 December 2008, Jestina Mukoko, a civic society leader, was abducted from her home in Norton at dawn by state security agents. She was detained *incommunicado* and subjected to various forms of torture, including assaults on the soles of her feet, death threats and assaults on her knees. She was forced to record a statement admitting that she had conspired with her co-worker to recruit one Ricardo Hweshira to undergo military training outside the country for purposes of carrying out banditry and sabotage activities in Zimbabwe. She was held *incommunicado* and then taken to Braeside Police Station. She was later charged with contravening section 24(1)(a) of the Criminal Code it being alleged that she had recruited Ricardo Hweshira for training outside the country in order to carry out banditry, sabotage and subversive activities in Zimbabwe.⁵³ She was only granted bail in March 2009. However, on 28 September 2009, the Supreme Court permanently stayed the prosecution of Jestina Mukoko on the charges on the basis that the prosecution had been initiated by grave violations of her fundamental rights not to be subjected to torture or inhumane, cruel or degrading treatment and or punishment.⁵⁴

On 10 February 2009, ZLHR lawyers Roselyn Hanzi and Tawanda Zhuwarara were arrested while walking back to the office. Before their arrest some WOZA members had conducted a peaceful protest which culminated in the presentation of a petition at the old Parliament building in Harare. Eight members of WOZA were arrested together with the two human rights lawyers and they were detained at Harare Central Police Station. They were charged with contravening section 37(1) of the Criminal Code that is, participating in a gathering with intent to promote public violence, bigotry and breaches of peace.⁵⁵ They were discharged at the close of the state's case in May 2009.

On 22 February 2011, police arrested law lecturer and former MP Munyaradzi Gwisai together with 44 other members of the International Socialist Organisation (ISO).⁵⁶ They were arrested for holding a meeting in which they watched videos of the Arab spring revolutions in Tunisia and Algeria. They were taken to court on 23 February 2011 and they were charged with treason as defined in terms of section 20 of the Criminal Code and in the alternative, attempting to overthrow a constitutionally elected government through unconstitutional means as defined in section 22(2)(a)(i) of the Criminal Code. However, the charges were later reduced to conspiracy to commit public violence. Charges against 39 members of the group were dropped, leaving Munyaradzi Gwisai and 5 other members of ISO as the

52 Note 49 above.

53 See *Mukoko v Attorney General* SC 11/12 pages 1-9 of the cyclostyled judgment.

54 See *Mukoko v Attorney General* SC11/12 pages 4-5 of the cyclostyled judgment.

55 Human Rights Watch, *False Dawn Zimbabwe Power Sharing Government's failure to deliver human rights*, 31 September 2009, Available at <<https://www.hrw.org/report/2009/08/31/false-dawn/zimbabwe-power-sharing-governments-failure-deliver-human-rights>> [Last accessed on 15 November 2025].

56 Veritas Court Watch 2/2012.

accused persons. They were convicted of conspiring to commit public violence.⁵⁷ However, in 2018, the conviction was quashed by the High Court on appeal.⁵⁸

On 17 March 2013, ZLHR member Beatrice Mtetwa was arrested on charges of obstructing the course of justice after responding to her client, Thabani Mpfu's, distress call. Thabani Mpfu was a staffer in the office of the then Prime Minister Tsvangirai. Upon arrival, Beatrice Mtetwa enquired whether the police had a warrant authorising them to search the premises. The police did not show her the warrant, and she told them that their actions were illegal, unconstitutional and undemocratic. The police then arrested and detained her for obstructing the course of justice. On 18 March 2013, the High Court issued an order directing the police to release her. The police ignored this order.⁵⁹ On 20 March 2013, she was denied bail by a Harare Magistrate. She was only granted bail by the High Court on 25 March 2013. She was later acquitted of the charges on 26 November 2013.⁶⁰

Furthermore, in June 2014, members of a civic society organisation, Bulawayo Agenda Mmeli Dube, Butholezwe Kgosi Nyathi, Nthombiyezansi Mabunda Tozana and Thulani Moyo were arrested and charged with contravening 25(1)(b) of POSA it being alleged that they had failed to notify the regulatory authority of a meeting they were conducting in Victoria Falls. They were later acquitted by a Victoria Falls Magistrate on 21 August 2014.⁶¹

On 14 July 2014, 13 Transform Zimbabwe activists were arrested in Gweru for marching against the arrest of their leader, Jacob Ngarivhume. They were charged with participating in a gathering with the intent to promote public violence, bigotry and or breaches of the peace in terms of section 37(a)(i) of the Criminal Code. The state alleged that the Transform Zimbabwe activists had gathered to promote public violence and breaches of the peace. The 13 activists were later acquitted.⁶²

Between 2014 and 2015, members of the Occupy Africa Unity Square movement which comprised Itai Dzamara, Tichaona Danho, Charles Nyoni, Terry Manzini and Shungu Mutize, who were protesting and demanding the resignation of then-President Robert Mugabe over the deteriorating economic and human rights situation in the country were subjected to several arbitrary arrests and detentions.⁶³ Thus for instance, on 6 November 2014, Itai Dzamara was severely assaulted and left for dead by police officers after he and his Occupy Africa Unity Square group had staged a sit-in protest in the Africa Unity

57 *Munyaradzi Gwisai & 5 Others v The State* HH177/12.

58 *Newsday Zimbabwe*, 13 June 2018, available at <<https://www.newsday.co.zw/slider/article/66181/gwisai-acquitted-in-mugabe-ouster-plot>> [Last accessed on 1 December 2025].

59 *Veritas Court Watch* 1/2014.

60 *Frontline Defenders, Case History: Beatrice Mtetwa*, 26 November 2013 available at <<https://www.frontlinedefenders.org/en/case/case-history-beatrice-mtetwa>> [Last accessed on 10 November 2025].

61 *ZLHR Annual Reports*, 2014.

62 *Amnesty International 2015 Annual Report*, available at <<https://www.refworld.org/reference/annualreport/amnesty/2015/en/103963>> [Last accessed on 11 November 2025].

63 *Zimbabwe Lawyers for Human Rights, International Service for Human Rights & Lawyers for Lawyers, Joint UPB Briefing Paper*, March 2016, page 3 & *Zimbabwe Lawyers for Human Rights Monthly Reports 2014 & 2015*.

Square gardens. When Dzamara's lawyer, Kennedy Masiye, then a member of the ZLHR secretariat, tried to intervene, he was also severely assaulted by the police and left for dead.⁶⁴

Similarly, on 26 November 2014, members of the Occupy Africa Unity Square movement, which comprised Tichaona Danho, Charles Nyoni, Terry Manzini and Shungu Mutize, were arrested and detained after they had staged a peaceful demonstration in the Speaker of Parliament's gallery, where they had presented a petition to the Speaker of Parliament. They were detained for six hours during which period they were assaulted by the police, ordered to undress and subjected to other forms of inhuman and degrading treatment and torture.⁶⁵ The harassment of the Occupy Africa Unity Square activists tragically culminated in the disappearance of Itai Dzamara on 9 March 2015. He has not been found to date. The government, although denying responsibility for the enforced disappearance of Itai Dzamara, has refused to comply with a High Court order requiring it to conduct investigations into Itai Dzamara's disappearance and furnish weekly updates to his wife and to his lawyers.⁶⁶

On 11 July 2016, the police summoned Evan Mawarire, a pastor at His Generation church, to the Law and Order Section at Harare Central Police Station. This followed his successful calls for a stay away on 6 July 2016, which became the biggest stay away in Zimbabwe in over a decade.⁶⁷ The stay away on 6 July 2016 was followed by another stay away call by Evan Mawarire on 13 and 14 July 2016. When Evan Mawarire and his lawyer attended at Harare Central Police Station on 12 July 2016 he was charged with incitement to commit public violence and detained. On 13 July 2016, Mawarire appeared in court at the Harare Magistrates Court, and the prosecutor changed the charges to attempting to overthrow a constitutionally elected government. Mawarire was subsequently released after his protestations that his arrest was unlawful were accepted by the Magistrates Court.⁶⁸ However, Mawarire was to be arrested again on 1 February 2017 at the Robert Gabriel Mugabe International Airport upon his return to the country. He was charged with the offence of subverting a constitutionally elected government and incitement to commit public violence. He was later acquitted of the charges by the High Court in November 2017. The court, in discharging Mawarire at the end of the prosecution case noted that Mawarire was exercising his constitutionally guaranteed rights and hence no criminal conduct could be inferred against him.⁶⁹

On 6 July 2016, Linda Masarira was arrested on allegations of contravening section 38 of the Criminal Code, it being alleged that she had obstructed the free movement of traffic and people during anti-government protests. She was convicted by the Mbare Magistrates Court in March 2017 and sentenced to perform 385 hours of community service. However, her conviction and sentence were set aside by the

64 Lawyers for Lawyers, Zimbabwe Lawyers for Human Rights, Joint UPR Report, March 2016 available at <<https://www.lawyersforlawyers.org/zimbabwe-joint-upr-report/>> [Last accessed on 15 November 2025].

65 Note 64 above.

66 Note 62 above.

67 Zimbabwe Lawyers for Human Rights, Legal Monitor, 372 Edition, 6 February 2017.

68 Legal Monitor, as above.

69 Zimbabwe Lawyers for Human Rights, Mawarire Accused of Plotting to Overthrow Mugabe Govt, 30 November 2017, Available at <<https://www.zlhr.org.zw/mawarire-acquitted-of-plotting-to-overthrow-mugabe-govt/>> [Last accessed on 1 November 2025] & The State v Evan Mawarire HH 802/17.

High Court on 20 November 2018 after the court found that there was insufficient evidence to convict her of the offence.⁷⁰

2.2 POST NOVEMBER 2017 PERIOD TO 2021

Following the military-assisted transition of power in November 2017, there was hope that the new administration would mark a departure from the previous administration's culture of human rights abuses in Zimbabwe, particularly regarding the arbitrary arrest and detention of HRDs. However, this expectation was ultimately not realised. The culture of repression and crushing of dissent by arbitrarily arresting and detaining HRDs persisted in the so-called new dispensation post November 2017.

On 26 October 2018, the police resorted to section 33(2) of the Criminal Code and charged Wisdom Mkwanzani with the offence of undermining the authority of the president following Wisdom Mkwanzani's testimony during the Motlanthe Commission to the effect that President Mnangagwa was complicit in the government killing of more than 20 000 people in Matabeleland during Gukurahundi.⁷¹

Furthermore, on 29 September 2018, police arrested Norman Machipisa and charged him with disorderly conduct in a public place as defined in section 41(b) of the Criminal Code after he had publicly stated that President Mnangagwa was incapable of running the country.⁷² To illustrate the persistent pattern and culture of arbitrary arrest of HRDs, the number of cases handled by ZLHR in 2018 is instructive. ZLHR recorded that *"To assist targeted persons, in 2018 alone, the ZLHR handled 541 cases, 122 of which were to assist HRDs arrested for challenging the state..."*⁷³

In January 2019, a stay away and protests over a 150 per cent hike in fuel prices were met with a violent reaction by the Zimbabwean authorities, in which several HRDs were targeted, arbitrarily arrested, detained and tortured. Several other citizens were subjected to extra judicial killings. According to the Human Rights Watch, it documented 14 cases of men and three cases of women killed by the security forces between 14 January 2019 and 5 February 2019.⁷⁴ ZLHR responded to at least 1499 cases of arbitrary arrests and detention.

Furthermore, in 2019, the offence of subversion under section 22 of the Criminal Code was applied as part of the broader crackdown on HRDs. In January 2019, Evan Mawarire and Peter Mutasa were

70 Zimbabwe Lawyers for Human Rights, High Court Sets Aside Conviction of Pro-Democracy Campaigner, 20 November 2018, Available at <<https://www.zlhr.org.zw/high-court-sets-aside-conviction-of-pro-democracy-campaigner/>> [Last accessed on 1 November 2025].

71 United States Department of State, Bureau of Human Rights, Democracy and Labour, Country Reports on Human Rights Practices 2018 at page 15.

72 As above.

73 Zimbabwe 3rd Cycle United Nations Universal Periodic Review Civil Society Organisations, Stakeholders Report, 14 July 2021 co-ordinated by Zimbabwe Lawyers for Human Right, Nango, Zimbabwe Human Rights NGOs Forum & Women's Coalition of Zimbabwe at page 14.

74 Human Rights Watch, Zimbabwe: Security Forces Fire on Protestors, 16 January 2019 <<https://www.hrw.org/news/2019/01/16/zimbabwe-security-forces-fire-protesters-0>> [Last accessed on 1 November 2025].

charged with subversion under section 22 of the Criminal Code. On 25 February 2019, Rashid Mahiya, a director of a local NGO was also arrested and charged with subversion.⁷⁵

Between 20 May 2019 and 27 May 2019,⁷⁶ HRDs Sithabile Dewa, Tatenda Mombeyarara, Farirayi Gumbonzvanda, George Makoni, Nyasha Frank Mpahlo, Rita Nyampinga and Gamuchirai Mukura were arrested at Robert Gabriel Mugabe International Airport upon their return from a meeting in the Maldives. They were charged with the offence of subverting a constitutionally elected government and were subjected to lengthy periods of pre-trial incarceration. It is pertinent to note that no single conviction was secured by the state in relation to all the above mentioned human rights defenders who had been charged with subversion thus underlining the arbitrary nature of their arrests.

According to Amnesty International, about 128 activists were arrested by the police in Zimbabwe on 16 August 2019,⁷⁷ charged and remanded in custody after they were rounded up after they had gathered in anticipation of peacefully demonstrating against the worsening socio-economic conditions in Zimbabwe. Human rights activists, members of the public and journalists who were victims of drag net arrests were subjected to vicious attacks by police officers and other forms of inhuman and degrading treatment before they were charged and taken to court on the following day. The arrests followed the banning of the anticipated 16 August 2019 march by the ZRP through a press statement. The ban was upheld by the High Court after a challenge had been mounted by ZLHR. Notably, a journalist Doubt Asima, who was on duty covering the protests was arrested on the day as he was assisting an elderly woman who had been assaulted by members of the ZRP.⁷⁸ He was charged with participating in a gathering with intent to promote public violence, breaches of peace and bigotry as defined in section 37(1)(a) of the Criminal Code. He was later acquitted of the charges at the close of the state's case.

On 23 August 2019, the ZRP arrested eight Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) members, including Obert Masaraure, the union's President; Shepherd Tazvivinga; Gerald Tinashe Taruvinga; Tryvine Musokeri; Andrew Mungure; Nation Mudziritwa; Simon Drury; and Godfrey Chanda. The ARTUZ members were arrested while peacefully protesting outside the Ministry of Finance offices in Harare. Their lawyer, Doug Coltart, was assaulted and arrested by the police while he was attending to his clients on the scene. A journalist, Munhende, was also arrested while covering the protest as part of his professional duties. The journalist was, however, later released on the same day.

75 Note 73 above.

76 Human Rights Watch, Zimbabwe: 7 detained after rights meeting, 30 May 2019, Available at <<https://www.hrw.org/news/2019/05/30/zimbabwe-7-detained-after-rights-meeting>> [Last accessed on 1 November 2025].

77 Amnesty International, Press Release Zimbabwe: Mnangagwa's first year in office marked by a systematic and brutal crackdown on human rights, 26 August 2019. Available at <<https://www.amnesty.org/en/latest/press-release/2019/08/zimbabwe-mnangagwas-first-year-in-office-marked-by-a-systematic-and-brutal-crackdown-on-human-rights/>> [Last accessed on 1 November 2025].

78 Zimbabwe Lawyers for Human Rights, Good Samaritan Journalist on trial over Anti-Govt Protest, 13 November 2019. Available at <<https://www.zlhr.org.zw/good-samaritan-journalist-on-trial-over-anti-govt-protest/>> [Last accessed on 1 November 2025].

The ARTUZ members and their lawyer were charged with criminal nuisance and acquitted by a Harare Magistrate.⁷⁹

It must be noted that the COVID-19 pandemic presented a very difficult environment for HRDs in Zimbabwe. The COVID-19 environment magnified the risks and dangers for HRDs operating in Zimbabwe, as they had to navigate and deal with restrictions on their movement and disruptions to sources of income, in a context where the government's COVID-19 grant system was inadequate and opaque, social services like water and sanitation were inadequate, and hospitals were poorly equipped.⁸⁰ This was against the backdrop of Zimbabwean authorities who were intent on muzzling HRDs from expressing themselves on governance issues. It was therefore reasonably foreseeable that HRDs would suffer human rights violations while doing their legitimate work during the COVID-19 period.⁸¹ Zimbabwe was put under a Level 5 lockdown on 30 March 2020. The following cases of arbitrary arrest and detention of HRDs were documented during the COVID-19 period. The list is not exhaustive but illustrates challenges encountered by HRDs.

Namatai Kwekweza, the Director at We Lead Trust and Vongai Zimudzi, a member of Section 20 Organisation, were arrested by the police on 19 June 2020 after they had gone to the offices of the Minister of Justice, Legal and Parliamentary Affairs in Harare, intending to hand over a petition protesting against the Constitutional Amendment Number 2. They were arrested and charged with participating in a gathering with intent to promote public violence, promote breaches of peace and bigotry under section 37(1)(b) of the Criminal Code. They were later acquitted and discharged of the charges at the close of the state's case on 17 September 2021, more than a year after their arrest.⁸²

On 6 July 2020, 11 nurses who were demonstrating against poor remuneration and lack of personal protective equipment (PPE) were arrested at Sally Mugabe Central Hospital. They were charged with participating in or convening a gathering with knowledge that such a gathering was prohibited in terms of section 5(3)(a) of National Lockdown Order Statutory Instrument 83 of 2020.⁸³ The nurses were acquitted and discharged on 15 October 2020.⁸⁴

On 31 July 2020, Obey Shava, a prominent human rights lawyer, was accompanying his clients Joanna Mamombe, Cecilia Chimhiri and Natsai Marova to Harare Central Police Station to report as part of their bail conditions. Along the way, they were stopped by soldiers manning a security checkpoint close to the ZANU-PF headquarters in the Harare central business district, who began harassing them. Obey

79 As above.

80 Zimbabwe Lawyers for Human Rights, Annual Reports 2020, page 5.

81 Attacks on Human Rights Lawyers in Zimbabwe 2020 -21 Report, published by Lawyers for Lawyers & Zimbabwe Lawyers for Human Rights, page 6.

82 Zimbabwe Lawyers for Human Rights, Kwekweza, Zimudzi set free over protest against tinkering with Constitution, 23 September 2021. Available at <<https://www.zlhr.org.zw/kwekweza-zimudzi-set-free-over-protest-against-tinkering-with-constitution>> [Last accessed on 1 December 2025].

83 National Lockdown Order Statutory Instrument 83 of 2020.

84 Zimbabwe Lawyers for Human Rights, Zim nurses acquitted over work boycott, 15 October 2020, available at <<https://www.zlhr.org.zw/zim-nurses-acquitted-over-work-boycott-protest/>> [Last accessed on 1 December 2025].

Shava, together with his clients, was arrested and taken to Harare Central Police Station, where He was detained for close to 4 hours. He was later released without charge.⁸⁵

The crackdown on HRDs during the COVID-19 period also manifested itself in the arrests of scores of human rights defenders in connection with the peaceful protests against corruption, which were scheduled and conducted on 31 July 2020. The most notable arrest in Harare was the arrest of Zimbabwean internationally acclaimed writer Tsitsi Dangarembga on charges of participating in a gathering with intent to promote public violence, breaches of peace and bigotry under section 37(1)(b) of the Criminal Code.⁸⁶ Tsitsi Dangarembga was arrested together with film-maker Julie Barnes, who was also charged with the same charge as Tsitsi Dangarembga. The allegations against them arose from their raising placards denouncing corruption.

Fadzayi Mahere, Jessica Drury, Simon Drury, Tinashe Murapatsa, Nyasha Musendu, Tinotenda Muswe and Josee Lots were arrested in Mount Pleasant after peacefully protesting with the placards denouncing corruption. They were arrested, detained and charged with participating in a public gathering with intent to promote public violence, breaches of peace or bigotry under section 37(1)(b) of the Criminal Code.⁸⁷

On the same day in Masvingo, Henry Chivhanga, a disability rights activist and the director of a NGO called Disability Amalgamation Community Trust was arrested and charged with making unnecessary movements in breach of the COVID-19 Regulations.⁸⁸ Further, in Zvishavane on the same day, the ZRP arrested and charged Givemore Makandire with inciting public violence under section 36 of the Criminal Code for allegedly distributing flyers promoting a protest scheduled for 31 July 2020.⁸⁹

On 20 July 2020, police officers separately arrested Hopewell Chin'ono and Jacob Ngarivhume on charges of inciting the public to participate in a gathering with intent to promote public violence and alternatively, public violence. Hopewell Chin'ono is a journalist and filmmaker who had exposed the rampant corruption involving procurement of COVID-19 equipment. Jacob Ngarivhume is the leader of the Transform Zimbabwe political party and he was one of the people who called for the 31 July 2020 anti-corruption peaceful protests. It is noteworthy that the charges in respect of Hopewell Chin'ono

85 Zimbabwe Lawyers for Human Rights, Scores of people arrested in Zim as govt mounts unprecedented clampdown on dissent, 31 July 2020. Available at <<https://www.zlhr.org.zw/scores-of-people-arrested-in-zim-as-govt-mounts-unprecedented-clampdown-on-dissent/>> [Last accessed on 1 December 2025].

86 Zimbabwe Lawyers for Human Rights, Scores of people arrested in Zim as govt mounts unprecedented clampdown on dissent, 31 July 2020. Available at <<https://www.zlhr.org.zw/scores-of-people-arrested-in-zim-as-govt-mounts-unprecedented-clampdown-on-dissent/>> [Last accessed on 11 November 2025].

87 Zimbabwe Lawyers for Human Rights Monthly Reports, August 2020.

88 National Lockdown Order Statutory Instrument 83 of 2020.

89 Note 87 above.

were quashed by the High Court and Jacob Ngarivhume was eventually acquitted of the charges by the High Court on appeal.⁹⁰

On 21 August 2020, Job Sikhala was also arrested in connection with the 31 July peaceful anti-corruption protests. He was charged with inciting public violence and, alternatively, inciting the public to participate in a gathering with the intent to promote public violence.⁹¹ The charges emanated from allegations that Job Sikhala had made statements in the company of Jacob Ngarivhume encouraging Zimbabweans to participate in the anti-corruption protests on 31 July 2020. Likewise, Job Sikhala was eventually acquitted of the charges by the High Court on appeal.⁹²

On 8 January 2021, police arrested journalist Hopewell Chin'ono and charged him with publishing false statements with the intention to undermine public confidence in the ZRP under section 33(1)(a)(iii) of the Criminal Code.⁹³ The point that the arrests were arbitrary is reinforced by the fact that section 33(1)(a)(iii) of the Criminal Code under which the charges against the three human rights defenders were predicated upon had been struck down and declared to be constitutionally invalid by the Supreme Court in *Constantine Chimakure, Vincent Kabiya and Zimind Publishers (Pvt) Ltd v The Attorney General*.⁹⁴ Despite lawyers' protestations that the charges were based on a non-existent legal provision, the police, prosecutors, and magistrates proceeded to remand them and prosecute them. The charge against Hopewell Chin'ono was quashed by the High Court, and the conviction against Job Sikhala on that charge was quashed and overturned by the High Court on appeal.

On 16 January 2021, 16 HRDs who are members of the ARTUZ were arrested while peacefully demonstrating against teachers' poor working conditions on the sidelines of the collective bargaining meeting between teachers and the government. They were charged with participating in a public gathering with the intent to promote public violence, promote breaches of peace and bigotry under section 37(1)(b) of the Criminal Code. They were eventually acquitted of the charges on 21 August 2024.⁹⁵ In January 2021, Makomborero Haruzivishe was arrested in Sunningdale, Harare, by plain clothes police officers. He was charged with inciting public violence for blowing a whistle during a peace demonstration in Harare in 2020. He was sentenced to 36 months in prison. Although he appealed against the sentence and was granted bail pending appeal by the High Court, a magistrate revoked

90 Human Rights Watch, Zimbabwean Court frees opposition leader, 12 December 2023, available at <<https://www.hrw.org/news/2023/12/12/zimbabwe-court-frees-opposition-leader>> [Last accessed on 1 December 2025].

91 Zimbabwe Lawyers for Human Rights, "Sikhala arrested over July 31 Protest", Zimbabwe Lawyers for Human Rights, 21 August 2020. Available at <<https://www.zlhr.org.zw/sikhala-arrested-over-july-31-protest/>> [Last accessed on 1 December 2025].

92 Zimbabwe Lawyers for Human Rights Monthly Reports December 2023.

93 Amnesty International Press Release. Available at <<https://www.amnesty.org/en/latest/press-release/2021/01/zimbabwe-authorities-must-drop-malicious-charges-against-opposition-leaders-and-journalist/#:~:text=On%20Friday%208%20January%202021,enforcement%20of%20COVID%2D19%20regulations>> [Last accessed on 11 November 2025].

94 Supreme Court 14/13.

95 Zimbabwe Lawyers for Human Rights Monthly Reports (February 2022).

his bail in relation to three other charges he was facing, all related to his peaceful activism. Hence, he remained in prison until February 2022, when he was eventually granted bail by the High Court.⁹⁶

In light of the foregoing, it is evident that the Zimbabwean authorities resorted to repressive laws, such as section 37 of the Criminal Code, MOPA, and offences of subversion, to quell dissent during the COVID-19 period and to stifle the legitimate activities of HRDs. The COVID-19 Regulations themselves were abused to thwart HRDs' legitimate activities and to lead to their arrests.

The arbitrary arrests of HRDs formed part and parcel of a sustained crackdown on HRDs in the post-2017 period up to the COVID-19 period. The state's reaction to any form of dissent was to invoke criminal sanctions and charge and prosecute HRDs and citizens under various laws.

2.3 INSTITUTIONS INVOLVED IN ARBITRARY ARREST AND DETENTION OF HRDS

Zimbabwe Republic Police

The ZRP has been a key institution involved in the arbitrary arrest and detention of HRDs from the post-2017 period through the COVID-19 pandemic. As discussed in this chapter, the ZRP repeatedly targeted HRDs for engaging in legitimate activities, often abusing their powers of arrest and exercising discretion in a malicious manner. Notable examples include the cases of Fadzayi Mahere, Job Sikhala, and Hopewell Chin'ono, who were arrested, detained, and charged with non-existent offenses. This pattern persisted even at the height of the COVID-19 pandemic, when HRDs were arrested and detained for alleged violations of COVID-19 regulations, often denied bail for extended periods, despite the minor nature of the offenses, which carried fines as a potential penalty.

In several instances, the ZRP took unreasonably long periods to finalise investigations, resulting in prolonged detention and, in some cases, prosecution of HRDs. For example, Rashid Mahiya was arrested on subversion charges in 2019, yet his case dragged on until 2024, with the police repeatedly claiming that investigations were ongoing.

Furthermore, whenever HRDs criticised the ZRP for failing to perform its duties and violating fundamental human rights, the ZRP responded by arbitrarily arresting and detaining HRDs for offences ranging from undermining police authority to communicating falsehoods prejudicial to the state to obstruction of justice.⁹⁷ The ZRP, therefore, shielded itself from accountability by targeting those who spoke out against its excesses. Moreover, the police were implicated in torture and extrajudicial killing

96 Amnesty International, Charges against young political activist must be dropped, 17 February 2022. Available at <<https://www.amnesty.org.zw/2022/02/charges-against-young-political-activist-must-be-droppedma-komborero-haruzivishe/>> [Last accessed on 30 November 2025].

97 For example the arrest of Joanna Mamombe and Cecilia Chimhiri for querying why the police were transporting suspects in an overloaded truck during the Covid-19 pandemic and the arrests of Job Sikhala, Fadzayi Mahere and Hopewell Chin'ono for protesting against police brutality.

of citizens and protestors in the January 2019 protests. Some of the victims obtained court orders for compensation as a result of the aforementioned conduct by the police.

The conduct by the ZRP in this regard breached its duties in terms of section 219(1)(e) and (3) of the Constitution of Zimbabwe which requires the police to uphold the Constitution, including the fundamental rights of individuals set out in the Declaration of Rights without fear or favour and to be non-partisan and professional.

The Zimbabwe National Army

The Zimbabwe National Army was also involved in the arbitrary arrests and detention of HRDs. During the January 2019 protests, the army was deployed to quell the protests and in some cases, members of the Zimbabwe National Army arrested and detained HRDs before handing them over to the police. Many of these arrests were drag net arrests and arbitrary. During the COVID-19 period, some members of the Zimbabwe National Army who were manning police checkpoints were involved in the arbitrary arrests of HRDs. For instance, Obey Shava and his clients, Joanna Mamombe and Cecilia Chimbiri, were arrested at a checkpoint, which was also being manned by members of the Zimbabwe National Army, who arrested them and handed them over to the ZRP.

The Judicial Service Commission

The Judicial Services Commission is another institution that violates the rights of HRDs, as it is the body constitutionally mandated to administer justice under section 190(2) of the Constitution. Invariably, most cases in which HRDs were arbitrarily arrested eventually reached the court system, either during prosecution or as claims for damages in anti-impunity litigation.

From the matters handled by ZLHR post November 2017 up to the COVID-19 period, there is a discernible pattern of weaponisation of the bail system whereby pre-trial incarceration was employed as a means to persecute and harass HRDs. Systematic refusal of bail applications by the Magistrates Courts, delays in hearing and finalising bail applications and unduly long periods of pre-trial incarceration point to possible weaponisation of the bail system in order to perpetuate the arbitrary arrest and detention of HRDs. Notable examples include the refusal of bail applications for Job Sikhala, Hopewell Chin'ono, Joanna Mamombe, Cecilia Chimbiri and Natsai Marova, among others. The mass and rushed trial proceedings and the denial of bail in respect of persons arrested during the January 2019 protests are also another illustrative factor of this pattern of weaponisation of the bail system.

Sometime in 2018, Anti-Corruption Courts were established in Harare and Bulawayo.⁹⁸ They were initially set up in the Magistrates' Criminal Courts, and at their inception, the object was to establish specialist courts to handle corruption-related cases in a streamlined and timely manner. In 2020, the Anti-Corruption Division of the High Court was established through publication of General Notice

98 The Herald, "Just In: Anti-Corruption Courts launched, 29 March 2018, available at <https://www.heraldonline.co.zw/just-in-anti-corruption-courts-launched/> [Last accessed on 30 November 2025].

625 of 2020. According to this General Notice, the purpose of the Anti-Corruption Division of the High Court was:-

“adjudicating on all matters in which corruption or abuse of office is an element including criminal trials or other matters connected with criminal trials and civil cases arising out of corruption and or abuse of office or reviews, applications and appeals from the magistrates court in which corruption or abuse of office is an element⁹⁹”

However, a pattern emerged in 2020 that has persisted to date: so-called “sensitive” matters involving high-profile HRDs or political activists are tried in the Anti-Corruption Court at the Magistrates Court, despite not involving corruption or abuse of office as an element. In the High Court, bail appeals and appeals against conviction for high-profile HRDs were heard in the Anti-Corruption Division despite the appeals being totally unconnected with a Magistrates Court’s decision on corruption or an issue in which abuse of power is an element.¹⁰⁰ To date, no explanation has been tendered as to why the matters involving the high-profile HRDs must be heard in the anti-corruption court when similar matters, which do not involve HRDs, are heard by the Provincial Magistrates.

Furthermore, another practice developed at the courts classifies court records involving HRDs as “security records” and keeps them in a separate place at the Clerk of Court’s office, which is different from where the rest of the records are kept. There is no explanation for this discriminatory conduct in court records involving HRDs. It can be surmised that the moment a judicial officer notes that a record is a security record, they are then reminded that they are dealing with a “sensitive” matter or case.

National Prosecuting Authority

The National Prosecuting Authority is also one of the institutions involved. This is because invariably almost all of the cases involving the arbitrary arrests and detention of HRDs go through all the stages of criminal prosecution. In terms of section 258 of the Constitution, the National Prosecuting Authority is responsible for instituting and undertaking criminal prosecutions on behalf of the State and discharging any functions that are necessary or incidental to that function. The Prosecutor General and her officers are constitutionally required to act in a non-partisan manner, not to violate the human rights of any other person and to be independent.¹⁰¹ From the various matters handled by the ZLHR, an identifiable pattern emerged: routine opposition to bail applications in cases involving human rights defenders, even in circumstances where there are no cogent or proper reasons to oppose bail.

Further, there is no proper vetting of dockets involving HRDs, as is done in other matters involving accused persons who are not HRDs. There appears to be no proper prosecutorial vetting to establish whether there is any reasonable suspicion that an offence has been committed before placing HRDs on remand. The case of Hopewell Chin’ono, where he was charged with publishing a false statement with the intention to undermine public confidence in the ZRP under section 33(1)(a)(iii) of the Criminal Code, provisions which had been struck down and declared to be constitutionally invalid in the

⁹⁹ General Notice 625 of 2020.

¹⁰⁰ *State v Job Sikhala* ACC 97/20 was tried in the Anti-Corruption Court same as for Jacob Ngarivhume, Fadzayi Mahere et al.

¹⁰¹ See section 260(1) of the Constitution and Section 261(2) of the Constitution.

Chimakure case,¹⁰² is concerning. Especially since it went through vetting. He was prosecuted until the trial was finalised, despite the unquestionable and objective legal position that the provisions had been struck down. Furthermore, the prosecutors kept HRDs on remand for unduly long periods of time without bringing them to trial.

102 Note 101 above.

CHAPTER 3

DEFENDING THE DEFENDERS, POST COVID-19 2022 - 2024

3.1 INTRODUCTION

From 2022 to 2024, ZLHR handled numerous cases involving the arbitrary arrest and detention of HRDs. These cases arose in the context of nationwide by-elections in 2022 and the harmonised elections in August 2023, set against a backdrop of rapidly shrinking civic space and democratic backsliding.

3.2 ZLHR INTERVENTIONS – 2022

State v Terrence Mambende¹⁰³

Terrance Mambende was arrested on 18 February 2022 at BP Service Station in Kwekwe as he was conducting a solo demonstration protesting that children of poor people also deserved to obtain a decent education. He was arrested and taken to Mbizo Police Station where he was charged with public violence as defined in section 36(1) of the Criminal Code. He was granted bail and was acquitted of the charges on 6 September 2022.

State v Mehlo Mpala¹⁰⁴

Mehlo Mpala was summoned to appear at Dete Magistrates Court on 24 February 2022 to answer to allegations of insulting and or undermining the authority of the President under section 33(2)(a) of the Criminal Code. It was alleged that on 27 January 2022, and at Dete shops, Mehlo Mpala had made a statement to the complainant who was wearing a ZANU-PF t-shirt that he was wearing rubbish, and the face of the person who was on the complainant's ZANU-PF t-shirt was responsible for the suffering of Zimbabweans. Lawyers protested that the prosecutors had not obtained the authority to prosecute as required by law, and Mehlo Mpala was released and excused.

State v Tracy Mutowekuziva, Lisa Mataka and Benevolence Taguta¹⁰⁵

On 26 May 2022, Transparency International and Shamwari Yemwanasikana collaborated to conduct a training in Chitungwiza, educating women on court processes and women's empowerment. In addition, the two CSOs also intended to donate sanitary ware. The police besieged the venue and arrested Tracy Mutowekuziva, Lisa Mataka and Benevolence Taguta. They were taken to Makoni Police Station, where

103 *State v Terrence Mambende*, Zimbabwe Lawyers for Human Rights Monthly Reports February 2022.

104 *State v Mehlo Mpala*, ZLHR Monthly Report, February 2022.

105 *State v Tracy Mutowekuziva, Lisa Mataka and Benevolence Taguta* Zimbabwe Lawyers for Human Rights Monthly Reports May 2022.

they were charged with convening an unlawful gathering under section 7(5) of the MOPA. Benevolence Taguta and Tracy Mutowekuziva were released after hours of detention at Makoni Police Station, while Lisa Mataka was transferred to Harare Central Police Station's Law and Order Section, where she was detained overnight and taken to Harare Magistrates' Court the next day. ZLHR lawyers successfully challenged the remand of Lisa Mataka on the basis that there was no reasonable suspicion that she had committed an offence.

***State v Onai Chitakunye*¹⁰⁶**

Onai Chitakunye, a volunteer and resident of Bindura was arrested on 29 June 2022 while attending a National Association of Youths Organisations (NAYO) meeting at Twin Lodges in Bindura. She was taken to Bindura Central Police Station Law and Order Section, where she was detained for 2 days and charged with convening a meeting without notifying the police under section 7(5) of the MOPA. She was discharged and acquitted at the close of the state's case on 1 August 2023, after lawyers argued that meetings by CSOs are exempt from the requirement to notify the police under the MOPA and that Onai Chitakunye had been wrongfully arrested. The arrest of Onai Chitakunye typified the perpetuation of targeting of civic society for conducting lawful and legitimate activities.

State v Sandra Zenda & Kudakwashe Munemo

Kudakwashe Munemo, Sandra Zenda and Victor Morrison are members of a local NGO called the Institute for Young Women Development. They were arrested on 29 July 2022 while attending a meeting at Mayfair Lodges in Bindura. The meeting focused on educating youths about servant leadership. They were taken to Bindura Central Police Station, Law and Order Section, where they were charged with convening a public gathering without notifying the police under section 7(5) of the MOPA. Lawyers protested and secured the release of Victor Morrison, a driver with the Institute for Young Women Development and a vehicle belonging to the Institute for Young Women Development which the police had impounded at the time of arrest. Sandra Zenda and Kudakwashe Munemo were taken to Bindura Magistrates Court and were granted bail pending trial. They were prosecuted on the charges and were eventually discharged and acquitted of the charges at the close of the state case after a Bindura Magistrate found that there was no evidence that Sandra Zenda and Kudakwashe Munemo were the convenors of the meeting and further that, meetings by NGOs, concerning non-political discussions are exempted from the requirement to notify the police in terms of the Schedule to the MOPA.

3.3 ZLHR INTERVENTIONS – 2023

In 2023, civic space continued to shrink, with authorities clamping down on HRDs, including lawyers, for carrying out their professional duties, and opposition political parties banned from holding gatherings in the run-up to the 2023 harmonised elections. The same period also saw the arrests of

106 *State v Onai Chitakunye*, Zimbabwe Lawyers for Human Rights Monthly Reports 2023.

various individuals for dissent. Some of the cases that ZLHR handled, which illustrate these trends, though not exhaustive, are detailed below.

***State v Kudzai Kadzere*¹⁰⁷**

On 14 January 2023, Kudzai Kadzere a ZLHR member was assaulted by the police after responding to the arrest of Citizens Coalition for Change members who had been arrested in Budiro. He suffered a broken arm and had to undergo surgery for the broken arm. On 15 January 2023 lawyers accompanied Kudzai Kadzere to Harare Central Police Station so that he could file a report of his assault at the hands of the police. Surprisingly, Kudzai Kadzere was instead charged with criminal nuisance and escaping from lawful custody despite being the victim of assault himself. He was advised to attend court at Harare Magistrates Court on 19 January 2023. On 19 January 2023, the police advised Kudzai Kadzere's lawyers that they would advise him when they were ready to take the matter to court. To date, the police have not communicated their readiness to take the matter to court.

State v Darlington Upenyu Chingwena

Darlington Upenyu Chingwena, an international affairs student at the University of Zimbabwe and a member of the Zimbabwe National Students Union (ZINASU) was arrested on 23 May 2025 and detained at Harare Central Police Station. He was charged with disorderly conduct and malicious damage to property, the allegations being that he had protested against the school fees hike at the University of Zimbabwe and the continued incarceration of Job Sikhala by spraying graffiti on the walls of the High Court and other government buildings in the Harare Central Business District. Darlington Upenyu Chingwena was subjected to lengthy pre-trial incarceration period as the prosecution deliberately delayed or frustrated his bail hearing. To fortify and underline the arbitrary nature of the arrest of Darlington Chingwena, the prosecutor withdrew charges against him on 5 April 2024 after he conceded that there was no evidence to sustain the charges against Darlington Chingwena.

***State v Douglas Coltart and Tapiwa Muchineripi*¹⁰⁸**

ZLHR lawyers Douglas Coltart and Tapiwa Muchineripi were arrested on 5 September 2023 at Parkview Hospital in Waterfalls, Harare as they were attending to their clients namely Womberaiishe Nhende and Sanele Mukuhlanani who had been abducted and tortured in Harare. Womberaiishe Nhende and Sanele Mukuhlanani were receiving medical treatment at Parkview Hospital for the injuries they sustained during their abduction and torture. Police officers insisted on interviewing Womberaiishe Nhende and Sanele Mukuhlanani while they were heavily sedated and demanded access to their confidential medical records. When Douglas Coltart and Tapiwa Muchineripi protested against the police demands, they were immediately arrested and taken to Harare Central Police Station where they were charged with obstructing the course of justice. They were detained overnight and appeared in court for remand on 6 September 2023. The charges against the pair were withdrawn by the prosecutor on 24 January 2024. The arrest of lawyers during the course of their professional duties and for executing their professional

107 *State v Kudzai Kadzere*, Zimbabwe Lawyers for Human Rights Monthly Reports January 2023.

108 *State v Douglas Coltart & Tapiwa Muchineripi*, Zimbabwe Lawyers for Human Rights Monthly Reports September 2023.

duties interferes with the independence of the legal profession and fair trial rights of individuals. It also has a chilling effect on lawyers representing HRDs thus magnifying the risks that human rights lawyers face.¹⁰⁹

3.4 2024 ZLHR INTERVENTIONS

In 2024, the civic space continued to shrink. HRDs were arbitrarily arrested on charges of insulting and or undermining the authority of the President for expressing their dissent and opinion, and for exercising their rights of assembly and association. They were arrested for conducting meetings even in their private residences. Scores of HRDs and perceived government critics were arrested between July and August 2024 towards the SADC Summit and they were subjected to prolonged pre-trial detention and systematic refusal of bail in the lower courts. Some of the cases handled by ZLHR during this period reflecting these trends are outlined below as follows.

State v Jennifer Sithole and Others¹¹⁰

The state continued to crackdown and criminalise the right to peaceful protest and expression by arresting villagers in Sagambe village in Mutasa in Manicaland Province. On 6 March 2024, Jennifer Sagambe and five other villagers from Sagambe village in Mutasa protested against maladministration at Sagambe Primary School. Jennifer Sithole, Tafirenyika Boterere, Shadreck Manyange and Brighton Manyange were charged with disorderly conduct. All the charges against the villagers were dropped upon arrival at Mutasa Magistrates Court on account of the fact that no criminal conduct against the villagers could be established. The arrests of the villagers resembled a continuation of a pattern of weaponisation of the criminal law to stifle peaceful protest, freedom of expression and public participation in governance issues.

State v Esther Zishiri and Others¹¹¹

The crackdown and stifling of dissent and public participation in public processes and governance continued with the arrest on 20 May 2024 of social justice activists Jonah Wakurawarehwa, Benard Muchokwa, Struggle Nyahunda and Esther Zishiri, after they had attended a public hearing on the PVO Amendment Bill. They voiced their concerns about the conduct of rowdy youths, believed to be aligned to the ruling party who violently disrupted the meeting whenever a person with views critical to the PVO Amendment Bill voiced their concerns. They were arrested and detained at Masvingo Central Police Station where they were charged with disrupting a public gathering under section 44 of the

¹⁰⁹ State v Douglas Coltart and Tapiwa Muchineripi, Zimbabwe Lawyers for Human Rights Monthly Reports September 2023.

¹¹⁰ State v Jennifer Sithole and Others, Zimbabwe Lawyers for Human Rights Monthly Reports March 2024.

¹¹¹ State v Esther Zishiri and Others, Zimbabwe Lawyers for Human Rights Monthly Reports, May 2024.

Criminal Code. They were eventually released after eight hours of detention with the police indicating that it will summon them to court. To date, they have not been summoned to court on these charges.

State v Linda Munamoto¹¹²

Excessive use of force and abuse of arresting powers by the police came under the spotlight when Linda Munamoto, a Municipal Police Officer was arrested by ZRP Officers in Dzivarasekwa while aboard a Harare City Centre bound commuter omnibus. The commuter omnibus was stopped at a police roadblock and Linda Munamati complained about the inhumane and degrading manner in which the police officers were treating the commuter omnibus driver and the conductor. She was then arrested and taken to Dzivarasekwa Police Station on allegations of causing disorderly conduct. Lawyers intervened and argued that she had not committed any offence by pointing out the excesses of the police officers concerned. Linda Munamoto was subsequently released without charge.

State v Namatai Kwekweza and Others¹¹³

On 31 July 2024, Namatai Kwekweza, Robson Chere and Samuel Gwenzi were forcibly abducted from a *Fast Jet* plane at Robert Gabriel Mugabe International Airport as they were about to depart for Victoria Falls to attend a philanthropy conference. They were taken to a disused room at the domestic terminal where they were subjected to physical, emotional and psychological trauma. They were held *incommunicado* for about 6 hours from when they were then handed over to the police. They were charged with disorderly conduct as defined in section 41(a) of the Criminal Code. They were accused of participating at a demonstration protesting against the continued incarceration of Jameson Timba and 73 others at the Harare Magistrates Court on 27 June 2024. They were taken to court on 2 August 2024 for their initial remand appearance. They were subjected to a prolonged period of pre-trial incarceration with their bail application hearing at the Magistrates Court alone spanning from 5 to 16 August 2024 when they were eventually denied bail by the Magistrates Court. This was so despite a clear legal position that bail matters are inherently urgent and must be urgently dealt with and disposed of. They were eventually granted bail by the High Court on 4 September 2025 after ZANU-PF spokesperson, Christopher Mutsvangwa had announced in a press briefing that all people who had been arrested during the run up to the SADC Summit were to be released since the Summit had concluded and there was no fear that the SADC Summit would be disturbed by demonstrations.¹¹⁴ These statements by Christopher Mutsvangwa, suggested that there was interference with the judicial processes of those arrested in the run up to the SADC Summit to ensure that they remained under arbitrary detention.

112 State v Linda Munamoto, Zimbabwe Lawyers for Human Rights Monthly Reports, May 2024.

113 State v Namatai Kwekweza and Others, Harare P 6988-91/24.

114 Available at <<https://cite.org.zw/zanu-pf-confirms-torture-arrests-to-prevent-sadc-protests/>> [Last accessed 13 November 2025].

Namatai Kwekweza, Samuel Gwenzi and Robson Chere were acquitted of the charges of disorderly conduct on 21 August 2025 marking more than a year of persecution by prosecution.¹¹⁵

State v Clara Phiri¹¹⁶

Clara Phiri is a ZLHR member based in Kariba. During the course of her visits to her clients who were incarcerated at Kariba Prison, Clara Phiri brought medication for one of her clients who suffers from a chronic condition. Upon discovering the chronic illness medication which Clara Phiri intended to give to her client, the prison authorities charged Clara Phiri with the offence of introducing prohibited items into a prison as defined in section 102 of the Prisons Act. Clara Phiri was arrested and charged on 7 August 2024 and detained overnight. She was taken to court on 8 August 2024 and released. She was advised to report back at court on 30 August 2024 to ascertain if the prosecutor intended to persist with the charges. The charges were withdrawn on 30 August 2024. The arrest of Clara Phiri marked the continuation of the pattern of harassment of human rights lawyers, HRDs in their own rights, for conducting their professional duties.

115 Zimbabwe Lawyers for Human Rights Monthly Reports August 2025 & Human Rights Watch, Zimbabwe: Rights Acquitted after a year-long trial, 1 September 2025, available at <<https://www.hrw.org/news/2025/09/01/zimbabwe-rights-activists-acquitted-after-year-long-trial>> [Last accessed on 15 November 2025].

116 State v Clara Phiri, Zimbabwe Lawyers for Human Rights Monthly Reports, August 2024.

CHAPTER 4

CONCLUSION AND RECOMMENDATIONS

4.1 CONCLUSION

An analysis of regional and international human rights standards on the protection of HRDs, read alongside Zimbabwe's historical and contemporary practices regarding arbitrary arrest and detention, demonstrates that the situation of HRDs in Zimbabwe has deteriorated significantly. Despite sustained advocacy and litigation by organisations such as ZLHR, there has been little evidence of meaningful legal, institutional, or attitudinal reform by the Government of Zimbabwe. Instead, the operating environment for HRDs has become increasingly hostile and restrictive.

The preceding chapters establish that the post-colonial Zimbabwean state has consistently weaponised the criminal justice system to suppress legitimate human rights work. Criminal charges such as treason, subversion, plotting to overthrow a constitutionally elected government, public violence, incitement to public violence, assault, and minor public order offences, including disorderly conduct and criminal nuisance, are routinely overstretched and selectively applied. These charges are frequently used to persecute HRDs for constitutionally protected conduct.

In addition, the State has entrenched repression through the enactment and re-enactment of restrictive legislation designed to stifle civic space and create a chilling effect on human rights work. Colonial-era public order laws have been repackaged under new legislative frameworks, most notably the transition from the Law and Order Maintenance Act to the POSA, and more recently to the MOPA. These statutes retain vague and overbroad provisions that facilitate abuse, including section 37(1) and section 33 of the Criminal Code, which criminalise loosely defined offences such as “undermining the authority of the President.”

More recently, the enactment of the PVO Amendment Act and the introduction of the so-called “patriotic provisions” in the Criminal Code represent a significant escalation in legislative repression. These provisions impose severe and disproportionate penalties on citizens for engaging with foreign governments or institutions, including lengthy prison terms, loss of citizenship, and disqualification from public office. Such measures pose a grave threat to HRDs' work and undermine Zimbabwe's international human rights obligations.

The analysis further reveals that prolonged pre-trial detention has become a deliberate punitive tool against HRDs. From January 2019 through the COVID-19 period and into the post-pandemic era, HRDs have been routinely denied bail, with bail applications neither treated as urgent nor determined timeously. Appeals to the High Court are often frustrated by administrative delays, particularly in preparing trial records and transcripts, which may take up to 14 days or longer. These delays appear calculated to ensure extended pre-trial incarceration, effectively punishing HRDs without conviction.

Finally, from the COVID-19 period to the present, the rights to peaceful assembly and protest have been effectively suspended in practice. HRDs have been arrested for engaging in peaceful protests. High-

profile arrests—including those of Tsitsi Dangarembga and Hopewell Chin’ono illustrate a broader pattern of criminalising peaceful civic engagement. Collectively, these developments underscore a sustained and systematic assault on the protection, safety, and legitimacy of human rights defenders in Zimbabwe.

4.2 RECOMMENDATIONS

In light of these conclusions, ZLHR makes the following recommendations to:

The Government of Zimbabwe

- Give full effect to international and regional human rights standards protecting human rights defenders, including the UNHRDs Declaration s and the African Charter on Human and Peoples’ Rights.
- Comply fully with its treaty obligations under the International Covenant on Civil and Political Rights, particularly Articles 9, 19, 21, and 22.
- Repeal or substantially amend repressive legislation and overbroad offences that are routinely abused against HRDs, including the MOPA and related provisions of the Criminal Code and the PVO Amendment Act.
- Safeguard the independence of the judiciary and the legal profession by preventing executive interference in judicial and prosecutorial processes and ensuring adequate resourcing of justice institution.

The ZRP

- Provide mandatory, continuous training to police officers on human rights standards, the role and protection of HRDs, and lawful policing of assemblies and protests.
- Ensure arrests are based strictly on lawful grounds, supported by reasonable suspicion, and carried out in compliance with constitutional and international standards.
- Apply the law impartially and uniformly, without discrimination based on actual or perceived political affiliation.
- Strengthen investigative practices to ensure cases are properly investigated before arrests and charges are effected.

The Judicial Service Commission

- Ensure that bail applications are treated as urgent matters and determined promptly, in line with the constitutional presumption in favour of liberty.

- Take concrete measures to protect judicial independence and prevent improper influence or interference in judicial decision-making.
- Ensure that specialised courts, including anti-corruption courts, operate strictly within their lawful mandates.
- Put in place effective mechanisms to guarantee the timely transcription and availability of court records.
- Sensitise judicial officers on international human rights standards, the protection of HRDs, and the right to trial within a reasonable time.

The National Prosecuting Authority

- Ensure that all criminal dockets are independently, rigorously, and fairly vetted before charges are authorised.
- Uphold prosecutorial independence by resisting political or external interference in charging and in bail decisions.
- Treat bail proceedings as urgent and oppose pre-trial detention only where it is strictly necessary and lawful.
- Build the capacity of prosecutors on fair trial rights, including the right to a trial within a reasonable time and the protection of HRDs.