

# Attacks on Human Rights Lawyers in Zimbabwe

2020/21 Report



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# I. Introduction

Lawyers play a vital role in upholding the rule of law and the protection of human rights, including the rights to effective remedy, due process of law, fair trial and the right of freedom from torture and other cruel, inhuman or degrading treatment or punishment. Their work is indispensable for public confidence in the administration of justice, and to ensure effective justice for all. All persons are entitled to call upon the assistance of a lawyer of their choice to provide legal services. It is the responsibility of lawyers to protect and establish the rights of citizens from whatever manner in which those rights may be threatened and defend them in all stages of legal proceedings.

To fulfil their professional duties effectively, lawyers should be able to practice law independently in accordance with recognized laws, standards and ethics. They should be free from improper interferences, any fear of reprisals, or unreasonable restrictions. These safeguards for the liberty and security of lawyers have been enshrined in the United Nations Basic Principles on the Role of Lawyers (Basic Principles).<sup>1</sup>

A legal professional who is controlled, manipulated, or intimidated by politicians or any other third-party, cannot effectively carry out its duty of sustaining the rule of law

and the independence of the administration of justice.

Where improper interference or reprisals become widespread and systematic, this may create a climate in which lawyers may eventually refuse to represent clients connected to politically sensitive or controversial issues out of fear of becoming the target of acts of harassment. This severely compromises the universal right to effective legal representation as well as the proper functioning of the rule of law and the protection of human rights and fundamental freedoms.

On 22 June 2017, the Human Rights Council (HRC) passed a resolution condemning in general “the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the discharge of their professional functions”. The HRC expressed its deep concern “about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable”.<sup>2</sup>

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<sup>1</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

<sup>2</sup> UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/35/12, 22 June 2017, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/35/L.20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20).

Lawyers for Lawyers (L4L) and Zimbabwe Lawyers for Human Rights (ZLHR) are concerned about the arrests of, and restrictions placed upon, a number of lawyers limiting their freedoms to carry out their profession since the beginning of 2020. This report briefly outlines the political situation in Zimbabwe, as well the impact of the COVID-19 pandemic. Through a set of illustrative case studies, the report shows

how lawyers in Zimbabwe are currently being barred from representing their clients, have become subjects of arbitrary arrests, and have even being attacked for carrying out their profession.

Appendix A referred to in this report includes a non-exhaustive list of lawyers who have been harassed, arrested and arbitrarily detained in Zimbabwe since January 2020.

### About the authors of the report



Lawyers for Lawyers (L4L) is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.



This report has been drafted by L4L with the kind support of Zimbabwe Lawyers for Human Rights (ZLHR). ZLHR is an organization that dedicates itself to promote a culture of human rights, equality and respect for the rule of law in order to create a just and democratic society in Zimbabwe. Most of the lawyers mentioned in this report are ZLHR members. ZLHR has provided legal representation to all the lawyers mentioned who have been formally charged. ZLHR will continue to represent these lawyers until their cases are finalized.

## II. Current situation in Zimbabwe

### a) Political situation

Since 2016, there have been ongoing protests in Zimbabwe. The focal points of the national protests have been on government repression, corruption, high unemployment, and poor public service. The government has responded to these protests with the use of force. In September 2019, Clément Nyaletsossi Voule —the United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association— had called on Zimbabwe “to embrace and safeguard democracy”. Nyaletsossi Voule had reported that the police and military regularly made use of excessive force during protests. He added that the use of military forces during protests was starting to be a routine measure in Zimbabwe, and that such far-reaching means should only be reserved for truly exceptional circumstances.<sup>3</sup>

On 10 June 2020, human rights experts of the UN called on Zimbabwe to take immediate measures to end a pattern of reported disappearances and torture within the country. These disappearances and incidents of torture appear to be aimed to suppress the ongoing protests and acts of dissent by opposition activists.<sup>4</sup> The government’s suppression of protests and civic action has also had a strong impact on the work of lawyers in the country. ZLHR has repeatedly stated that there is “a worrying rise in the intimidation, threats and



*Lawyers protest against police brutality and attacks on lawyers*

*Photo: Kumbirai Mafunda*

*reprisals of lawyers in Zimbabwe*”.<sup>5</sup> This report illustrates how lawyers have been barred from representing their clients, have been arrested arbitrary and even physically attacked by servants of the government.

### b) The impact of the Covid-19 pandemic

The COVID-19 pandemic has posed huge challenges to human rights and the rule of law in Zimbabwe. The pandemic has affected Zimbabwe during a period in which the country has been experiencing economic challenges. The restrictions imposed by the government in the pandemic further affected both the movement of people and their sources of income. Already before the lockdown, the government was at odds with human rights defenders, and was attempting

<sup>3</sup> “Zimbabwe: UN expert calls for democratic shift after groundbreaking visit”, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25071&LangID=E>, 27 September 2019.

<sup>4</sup> “Zimbabwe: UN experts demand an immediate end to abductions and torture”, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25944&LangID=E>, 10 June 2020.

<sup>5</sup> Zimbabwe Lawyers for Human Rights, “ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube”, <https://www.zlhr.org.zw/?p=2057>, 6 June 2020.

to silence them from speaking on governance issues. In line with this, according to ZLHR, it was reasonably foreseeable that during the lockdown many people, particularly human rights defenders and those in high density low income areas, would be arrested, and that they would be in need of legal practitioners and legal representation where their human rights were violated.

Yet, due to the lockdown, the rights of lawyers in Zimbabwe to practice law were strongly affected. This is especially the case as lawyers were initially left out from the classification of “essential services”. Without being designated as essential service providers, lawyers were left hamstrung, and they could not assist their clients. According to ZLHR, it was difficult for lawyers to move

around, especially due to roadblocks that were all over town. Moreover, lawyers were also required to have letters to move around. In these situations, many lawyers produced their practicing certificate to police officers, yet some police officers were ignorant to this certificate’s effect. Lawyers were also subjected to curfew. When doing urgent applications or when assisting arrested clients, lawyers sometimes ended up staying outside curfew periods. The curfew proved to be particularly challenging, as prior to this, lawyers could move as and when necessary, for urgent applications and to attend to arrested clients. <sup>6</sup> It was only after ZLHR issued an application challenging the lockdown regulations, that they were then changed to include lawyers as “essential services”

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<sup>6</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

### III. Attacks against lawyers

The beginning of 2020 saw an increase in the number of arrests of Zimbabwean lawyers, and in the restrictions placed on lawyers in their freedoms to carry out their profession. The onset of the COVID-19 pandemic, and

government enforced restrictions, resulted in an increase in these numbers. Alec Muchadehama<sup>7</sup>, a human rights lawyer from Zimbabwe, describes the situation of lawyers under the lockdown as follows:

*"[W]e had insurmountable difficulties moving to police stations and the Courts. We would be frisked at the check points. We would not be allowed to pass despite identifying ourselves as lawyers. Whilst we were prevented from reaching our clients, they were being over detained and being held incommunicado. The case of Joana Mamombe, Cecilia Chimbi and Netsai Marova makes sad reading. They were kidnapped by suspected State security agents. On 5 May 2020 they temporarily disappeared and were discovered 36 hours later, severely tortured. They are now facing allegations of breaking the COVID-19 regulations and spreading falsehoods prejudicial to the State."<sup>8</sup>*

#### a. Barring lawyers from representing their clients

In 2020, Zimbabwean authorities questioned and arrested a number of lawyers while they were carrying out their professional duties. A large number of Zimbabwean lawyers were arrested in June 2020. On 10 July 2020, these lawyers were charged with *"defeating or obstructing the course of justice"*. These arrests included the lawyers Dumisani Dube, Thabani Mpfu, Tapiwa Makanza and Joshua

Chirambwe, who are believed to be arrested for conducting their professional duties.<sup>9</sup>

Throughout 2020, ZLHR has repeatedly condemned *"the increasing targeted arrests of lawyers during execution of their professional duties"*.<sup>10</sup> According to Blessing Gorejena, former Director of the Zimbabwe Human Rights NGO Forum, *"lawyers were being harassed, intimidated and being barred from representing their clients arrested during the lockdown"*.<sup>11</sup>

<sup>7</sup> Alec Muchadehama has been a member of ZLHR in Harare since 2003, where he works defending human rights in Zimbabwe. He has defended hundreds of human rights activists, members of the opposition and civilians, often successfully. In 2011, he received the first Lawyers for Lawyers Award.

<sup>8</sup> See also: COVID-19 Series: The impact of the crisis on lawyers in Zimbabwe, <https://lawyersforlawyers.org/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-zimbabwe/>, 18 November 2020.

<sup>9</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. This occurred at Harare Magistrates Court. The charge was brought under section 184(1)(d) of the Criminal Law (Codification and Reform) Act.

<sup>10</sup> Zimbabwe Lawyers for Human Rights, "ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube", <https://www.zlhr.org.zw/?p=2057>, 6 June 2020.

<sup>11</sup> See also: COVID-19 Series: The impact of the crisis on lawyers in Zimbabwe, <https://lawyersforlawyers.org/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-zimbabwe/>, 18 November 2020.

## i. Case studies

### 1) Beatrice Mtetwa

Beatrice Mtetwa is a human rights lawyer and a member of ZLHR. Mtetwa has represented many human rights defenders, journalists and opposition figures. As a result of this, she has been targeted and subjected to both intimidation and harassment.<sup>12</sup> Amongst others, she has been assaulted and detained in police and prison cells.<sup>13</sup>

On 18 August 2020, Mtetwa was barred from representing the detained human rights defender and journalist, Hopewell Chin'ono at the Harare Magistrate Court. This occurred at a hearing held on the conditional release of Chin'ono. Mtetwa has represented Chin'ono since he was detained on 20 July 2020. A Zimbabwean magistrate ordered that Mtetwa should be charged with contempt of court.<sup>14</sup>

This order was based on comments about the case posted on a Facebook page. The Facebook page is run by an American filmmaker, who produced a documentary about the work of Mtetwa.<sup>15</sup> Yet, the lawyers representing the Zimbabwean State alleged that these comments were made by Beatrice

Mtetwa. Consequently, the magistrate directed that the ruling be referred to the Law Society of Zimbabwe. Here, a possible further punishment of Mtetwa is to be ruled upon. Mtetwa appealed the ruling by the Magistrate.<sup>16</sup>

In September 2020, Mtetwa and Chin'ono filed an application for review of the Magistrate's decision. In the application, the two argued that the Magistrate's ruling of August was unconstitutional. Moreover, they argued that the ruling effectively denies Chin'ono the right to have legal representation of his own choosing. Mtetwa also raised that her right to practice her profession without undue interference is safeguarded by the Constitution.<sup>17</sup>

On 15 December 2020, a hearing was held on the application filed by Mtetwa and Chin'ono.<sup>18</sup> The application sought to set aside the ruling by the Harare Magistrate disqualifying Mtetwa from representing Chin'ono. Chin'ono and Mtetwa also asked that the prosecutor, representing the state of Zimbabwe in the case before the Magistrate, be barred from prosecuting

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<sup>12</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020.

<sup>13</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020.

<sup>14</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020.

<sup>15</sup> The comments called on the international community to speak out against Hopewell Chin'ono's imprisonment. The American filmmaker and owner of the Facebook page has explicitly made clear in a number of posts on the given Facebook page that Beatrice Mtetwa does not operate the page and that she has never posted on the page. See: <https://www.facebook.com/bostonfilmvideo/>.

<sup>16</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020. Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020.

<sup>17</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020.

<sup>18</sup> This was heard by the high Court Judge Justice Happpias Zhou. Mtetwa and Chin'ono were represented by Doug Coltart, Advocate Taona Nyamakura bringing the oral arguments.

Chin'ono.<sup>19</sup> The judge set aside the decision. He ruled that there was a possibility that the prosecutor was genuinely mistaken as to the correct position of the law and he could not be disqualified because of his submissions.<sup>20</sup>

## ii. Analysis of the situation

The Harare Magistrate should not have disqualified Mtetwa from representing Chin'ono and from speaking out in support of her client. The order to bar Mtetwa from representing Chin'ono undermines her right to practice law<sup>21</sup> and her right to express her opinions freely. While Mtetwa testified before the court that she had no ownership or control over the aforementioned Facebook page, it should be noted that, even if a lawyer were to make the statements which Beatrice Mtetwa was alleged to have made, such statements are protected under the right to freedom of expression. This right is guaranteed in section 61 of the Constitution of Zimbabwe, and article 19(2) of the International Civil and Political Rights (ICCPR). Moreover, Basic Principle 23 states that lawyers have the right, like any other individual, to freedom of expression and to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights.

Moreover, by disqualifying Mtetwa, the court has undermined Chin'ono's right to legal

representation. The right to legal representation is recognised in section 70(1)(d) of the Constitution of Zimbabwe and laid down in article 14(3)(b) of the ICCPR.

## b. Arbitrary arrests of lawyers

The Law Society of Zimbabwe released a statement on the continued arrests of its members on 8 June 2020.<sup>22</sup> These arrests were carried out without the Law Society of Zimbabwe ever receiving complaints from the public, the police or from the courts in Zimbabwe. Therefore, the Law Society of Zimbabwe has reported that it deems these arrests to serve the function of hindering lawyers from undertaking their professional duties. Similarly, the then President of the Law Society, Mr. Thandaza Masiye-Moyo later reported that during the lockdown lawyers were "*being arrested, held without charge and being denied legal representation*".<sup>23</sup>

The lawyers Thabani Mpfu, Tapiwa Makanza, Choice Damiso and Joshua Chirambwe were all arrested at the start of June 2020, in relation to an affidavit that was filed by Mpfu at the Constitutional Court. This affidavit was filed in a case challenging the appointment of the Prosecutor General.<sup>24</sup> Mpfu, Makanza and Chirambwe were accused of filing a false affidavit to defeat the

<sup>19</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020. The prosecutor in this case was Whisper Mabhaudhi of the National Prosecuting Authority.

<sup>20</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020. Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

<sup>21</sup> Basic Principle 16.

<sup>22</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020.

<sup>23</sup> COVID-19 Series: The impact of the crisis on lawyers in Zimbabwe, <https://lawyersforlawyers.org/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-zimbabwe/>, 18 November 2020

<sup>24</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. The Law Society of

judicial proceedings.<sup>25</sup> Damiso, on the other hand, was taken in by the police for questioning and later released without any charge.<sup>26</sup> Damiso was subsequently released after being turned into a state witness.<sup>27</sup>

## i. Case studies

### 1) Patrick Tererai

On 10 March 2020, Patrick Tererai was arrested when representing his client at Beitbridge police station. He was detained there overnight. Tererai was charged by the police with disorderly conduct.<sup>28</sup>

### 2) Thabani Mpfu

On 1 June 2020, Thabani Mpfu was arrested and detained by the police. Mpfu was charged with obstructing the course of justice, with fraud and with perjury. Mpfu was alleged to have drafted an affidavit on behalf of a person who is said not to exist. It was also alleged that the affidavit was not sworn before a Commissioner of Oaths. Allegedly this affidavit was filed at the Constitutional Court in a case challenging the appointment of the Prosecutor General.<sup>29</sup>

Mpfu allegedly filed a second Constitutional Court application after coming to understand that the first application would fail. Mpfu

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Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. Zimbabwe Lawyers for Human Rights, "Advocate Mpfu Freed on \$20 000 Bail", <https://www.zlhr.org.zw/?p=2052>, 4 June 2020.

<sup>25</sup> Zimbabwe Lawyers for Human Rights, "Advocate Mpfu Freed on \$20 000 Bail", <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Zimbabwe Lawyers for Human Rights, "Zimbabwe Lawyers for Human Rights, Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent", <https://www.zlhr.org.zw/?p=2119>, 31 July 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>26</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. The affidavit in this case was sworn before Ms. Damiso. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>27</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>28</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>29</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. Zimbabwe Lawyers for Human Rights, "Advocate Mpfu Freed on \$20 000 Bail", <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. The offences Mpfu was charged with include "defeating or obstructing the course of justice" as defined in section 184(1)(d) of the Criminal Law (Codification and Reform) Act; "fraud" as defined in section 136 of the Criminal Law (Codification and Reform) Act; "perjury" as defined in section 183(1)(a) of the Criminal Law (Codification and Reform) Act; and "corruptly concealing a transaction from a principal" as defined in section 172(1)(b) of the Criminal Law (Codification and Reform) Act.

allegedly used this second application to stop an enquiry into the existence of the person who was claimed not to exist. According to the allegations, Mpfu did this to defeat the judicial proceedings.<sup>30</sup>

On 3 June 2020, Mpfu appeared at Harare Magistrates Court. Here, he faced several charges, including “*defeating or obstructing the course of justice and perjury*”.<sup>31</sup> During the bail hearing, the Chief Magistrate criticized a prosecutor of the National Prosecuting Authority, for making a number of unsubstantiated allegations. The prosecutor had alleged that Mpfu was intending to flee from the jurisdiction of the court and to interfere with the administration of justice. Mpfu was consequently released on bail by the Harare Magistrates Court.<sup>32</sup> The bail was set a ZWL \$20 000. At the

hearing, Mpfu’s lawyer Beatrice Mtetwa informed the prosecutor that she will be filing an application into whether the facts brought in the charges against Mpfu disclose an offence.<sup>33</sup>

On 10 July 2020, Mpfu returned to court for routine remand.<sup>34</sup> On 8 September 2020, Mpfu approached the High Court challenging a ruling by a Harare magistrate placing him on remand for the three charges he is facing.<sup>35</sup> Advocate Mpfu is still on remand and is awaiting a trial date.<sup>36</sup>

On 29 December 2020, Mpfu was arrested again. He was accused of obstructing the course of justice in relation to a tweet he had published in September 2020 commenting on the “MDC trio case”.<sup>37</sup> In this case, three opposition MDC-Alliance party youth leaders

<sup>30</sup> Zimbabwe Lawyers for Human Rights, “Advocate Mpfu Freed on \$20 000 Bail”, <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>31</sup> Zimbabwe Lawyers for Human Rights, “Advocate Mpfu Freed on \$20 000 Bail”, <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Mpfu was represented by Beatrice Mtetwa and Raymond Moyo from ZLHR. The charges against Mpfu were brought under sections 172(1)(b) and 183(1)(a) of the Criminal Law (Codification and Reform) Act.

<sup>32</sup> Zimbabwe Lawyers for Human Rights, “Advocate Mpfu Freed on \$20 000 Bail”, <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. Mpfu was set free by Chief Magistrate Munavato Mutevedzi on a bail of RTGS\$20 000.

<sup>33</sup> Zimbabwe Lawyers for Human Rights, “Advocate Mpfu Freed on \$20 000 Bail”, <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020.

<sup>34</sup> Zimbabwe Lawyers for Human Rights, “Advocate Mpfu Freed on \$20 000 Bail”, <https://www.zlhr.org.zw/?p=2052>, 4 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. <https://allafrica.com/stories/202009080639.html>

<sup>35</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>37</sup> Zimbabwe: Lawyer Mpfu charged over tweet critical of Zanu PF propaganda video, <https://defendlawyers.wordpress.com/2021/01/01/zimbabwe-lawyer-mpfu-charged-over-tweet-critical-of-zanu-pf-propaganda-video/>, 1 January 2021.

were charged with committing public violence, after allegedly participating in an anti-government protest during a lockdown.<sup>38</sup> In line with this, Mpfu was formally charged for his past comments. Mpfu appeared at Harare Central Police station with his lawyer and he was released after recording a statement.<sup>39</sup>

### 3) Tapiwa Makanza

On 7 June 2020, Tapiwa Makanza was charged with obstructing the course of justice, arrested and detained in relation to the affidavit filed by Mpfu.<sup>40</sup> On 8 June 2020, prosecutors accused Makanza of creating a fictitious person. In January 2019, this fictitious person allegedly “*filed a Constitutional Court application to challenge President Emmerson Mnangagwa’s appointment of the Prosecutor-General,*

*Kumbirai Hodzi*”. On 10 July 2020, Makanza was granted bail at RTGS\$20 000 bail and he was ordered to report at ZRP Anti-Corruption Unit.<sup>41</sup> While on remand, the state prosecution made an application to the court to have his bail revoked, alleging that Tapiwa Makanza had interfered with witnesses. This application was dismissed on 30 September 2020. Mr Makanza remains on remand and awaits a trial date.<sup>42</sup>

### 4) Choice Damiso

On 6 June 2020, Choice Damiso was arrested and taken in by the police for questioning.<sup>43</sup> On 6 and 8 June 2020, she was questioned by Zimbabwe Republic Police officers.<sup>44</sup> She was later released without any charge. This arrest was connected with the arrest of Mpfu.<sup>45</sup> The state intended to turn Damiso into a state witness in the case of Mpfu,

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<sup>38</sup> Zimbabwe Lawyers for Human Rights, “Tortured Abductees Charged Over Lockdown Hunger Protest”, <https://www.zlhr.org.zw/?p=2049>, 26 May 2020. The three arrested were Joana Mamombe, Cecelia Chimbi and Netsai Marova.

<sup>39</sup> Zimbabwe: Lawyer Mpfu charged over tweet critical of Zanu PF propaganda video, <https://defendlawyers.wordpress.com/2021/01/01/zimbabwe-lawyer-mpfu-charged-over-tweet-critical-of-zanu-pf-propaganda-video/>, 1 January 2021. In the comments that led to his arrest, Mpfu had allegedly that the fast-food outlet “Chicken Inn” was aiding in the prosecution of three female MDC Alliance activists. These activists were accused of faking their own abduction and their own torture in a propaganda video made by Zanu PF.

<sup>40</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Zimbabwe Lawyers for Human Rights, “Zimbabwe Lawyers for Human Rights, Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent”, <https://www.zlhr.org.zw/?p=2119>, 31 July 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. The charges brought against Makanza were brought under section 184(1)(a) of the Criminal Law (Codification and Reform) Act. Makanza was represented by Paidamoyo Saurombe of ZLHR.

<sup>41</sup> Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Zimbabwe Lawyers for Human Rights, “Zimbabwe Lawyers for Human Rights, Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent”, <https://www.zlhr.org.zw/?p=2119>, 31 July 2020.

<sup>42</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>43</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>44</sup> Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020.

<sup>45</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. The affidavit in this case was sworn before Ms. Damiso. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

Makanza and Chirambwe.<sup>46</sup> The state succeeded and Choice Damiso was turned into a State witness. The trial date has not been set and the docket is not yet ready. The lawyers representing Mpfu, Chirambwe and Makanza will be furnished with Choice Damiso's witness statement when the docket is ready and complete.<sup>47</sup>

### 5) Joshua Chirambwe

On 8 June 2020, Joshua Chirambwe was arrested at Harare Magistrates Court. It was alleged that Chirambwe assisted Mpfu in the plagiarism of an affidavit. Like Mpfu, Chirambwe was also accused of obstructing investigations into the existence of a person named on the affidavit. Consequently, Chirambwe was charged with obstructing the course of justice. Chirambwe was granted bail at ZWL \$20 000 and was ordered to report at ZRP Anti-Corruption Unit.<sup>48</sup>

On 10 July 2020, Chirambwe returned to court.<sup>49</sup> He has been attending court for

routine remand while awaiting a trial date from the state prosecution.<sup>50</sup>

### 6) Dumisani Dube

Dumisani Dube was arrested while representing a client of his, who was arrested on 6 June 2020.<sup>51</sup> Dube was charged with breaching section 184(1)(d) of the Criminal Law (Codification and Reform) Act, by "*defeating or obstructing the course of justice*".<sup>52</sup> The allegations of the State against Dube relate to his legal representation of a client. Dube had filed an urgent chamber application at the Bulawayo High Court on behalf of his client, and then obtained an order favorable to his client.<sup>53</sup> The State has alleged that Dube had filed a fake certificate of service and that the judgment in favor of his client was a result of this fake certificate.<sup>54</sup>

This case arose directly from the conduct of Dube during his work as a lawyer. Under sections 64 and 164 of the Constitution, as a lawyer, Dube has the right to practice law

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<sup>46</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020.

<sup>47</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>48</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Zimbabwe Lawyers for Human Rights, "Zimbabwe Lawyers for Human Rights, Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent", <https://www.zlhr.org.zw/?p=2119>, 31 July 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. Chirambwe was represented by Obey Shava of ZLHR. The charges against Chirambwe were brought under section 184(1)(a) of the Criminal Law (Codification and Reform) Act.

<sup>49</sup> Zimbabwe Lawyers for Human Rights, "Zimbabwe Lawyers for Human Rights, Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent", <https://www.zlhr.org.zw/?p=2119>, 31 July 2020.

<sup>50</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>51</sup> The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020. See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>52</sup> Zimbabwe Lawyers for Human Rights, "ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube", <https://www.zlhr.org.zw/?p=2057>, 6 June 2020.

<sup>53</sup> Ibid.

<sup>54</sup> See also: Concerns about the recent arrests of lawyers in Zimbabwe, <https://lawyersforlawyers.org/en/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020. The Law Society of Zimbabwe statement on the continued arrests of its members, <https://twitter.com/lawsocietyofzim/status/1270000796449595392/photo/1>, 8 June 2020.

“without fear or favour”.<sup>55</sup> Dube was arrested shortly after the lawyer Thabani Mpfu, based on the same allegation of “defeating or obstructing the course of justice” under section 184(1)(d) of the Criminal Law Act. Both Dube and Mpfu were arrested based on allegations relating directly to their roles in representing their clients.<sup>56</sup>

On 6 June 2020, Dube appeared at Tredgold Magistrates Court in Bulawayo. He was granted bail at ZWL \$5 000.<sup>57</sup> On 18 June 2020, he returned to court.<sup>58</sup> His lawyers made an application for refusal of further remand and the application was dismissed. However, the State prosecution withdrew his charges before plea on 30 September 2020.<sup>59</sup>

### 7) Douglas Coltart

Douglas Coltart is a human rights lawyer and a member of the ZLHR. On 23 August 2019, Douglas Coltart was violently arrested during an organized protest by the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ).<sup>60</sup> Coltart attended the protest in his capacity as a lawyer and as a legal

representative of the ARTUZ. He filmed the arrests occurring at the protest, and he was violently arrested while doing this. The Zimbabwe Republic Police officers disregarded Coltart’s statement that he was acting in his capacity as a lawyer. The police officers did not inform Coltart and the other arrestees of the reason of their arrest. Moreover, the police officers refused to identify themselves. Coltart was detained and then released on bail the following day.<sup>61</sup>



Douglas Coltart and Beatrice Mtetwa at a protest. Photo: Kumbirai Mafunda

On 4 March 2020, Zimbabwean authorities accused Coltart, along with several trade unionists, of plotting to provoke civil

<sup>55</sup> Section 64 of the Constitution guarantees “freedom of profession, trade or occupation” and section 164 guarantees the “independence of judiciary”.

<sup>56</sup> Zimbabwe Lawyers for Human Rights, “ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube”, <https://www.zlhr.org.zw/?p=2057>, 6 June 2020.

<sup>57</sup> Zimbabwe Lawyers for Human Rights, “ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube”, <https://www.zlhr.org.zw/?p=2057>, 6 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. Dube was represented by Prince Bhutshe-Dube and assisted by Godfrey Nyoni from ZLHR.

<sup>58</sup> Zimbabwe Lawyers for Human Rights, “ZLHR Condemns Arrest And Detention Of Lawyer Dumisani Dube”, <https://www.zlhr.org.zw/?p=2057>, 6 June 2020. Zimbabwe Lawyers for Human Rights, “Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD”, <https://www.zlhr.org.zw/?p=2064>, 8 June 2020.

<sup>59</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>60</sup> Zimbabwe Lawyers for Human Rights, “Nine HRDs to Stand Trial Over Possession of Miniature Coffin”, <https://www.zlhr.org.zw/?p=1840>, 8 October 2019. Zimbabwe Lawyers for Human Rights, “Lawyer, HRDs Plead not Guilty as Trial Over Possession of Miniature Coffin Commences”, <https://www.zlhr.org.zw/?p=1894>, 2 December 2019. The protest was organized to draw attention to the decreasing funds available to rural teachers and schools.

<sup>61</sup> See also: Letter on the arrest and attack on lawyer Douglas Coltart, <https://lawyersforlawyers.org/letter-on-the-arrest-and-attack-on-lawyer-douglas-coltart/>, 11 March 2020.

disobedience. Coltart and the others were accused of being in possession of a book titled *"Pedagogy of the Oppressed"*. Together with four others, Coltart later appeared at Rotten Row Magistrates Court.<sup>62</sup> The prosecutors at the trial claimed that, by gathering unlawfully at Zambezi Roots Lodge in Harare's Greystone Park suburb on 27 April 2019, the accused were plotting a rebellion. Allegedly the accused had held a training workshop to come up with ways of *"spearheading a host of civil disobedience in Zimbabwe"*.<sup>63</sup>

The trial was, however, put on hold until 6 April 2020. This happened after their lawyer, Beatrice Mtetwa, objected to the State's failure to provide her clients with a number of relevant exhibits. Mtetwa also informed a Magistrate that a number of her clients were detained and tortured by state security agents. She also said that police officers confiscated a laptop belonging to Coltart. The Magistrate consequently ordered the

State to investigate the complaints filed by Mtetwa.<sup>64</sup> On 24 September 2020, Coltart was found not guilty.<sup>65</sup>

#### 8) Job Sikhala

Honourable Job Sikhala is a lawyer and the MDC legislator for Zengeza West constituency.<sup>66</sup> Sikhala is also a member of the legal team representing Hopewell Chin'ono, a freelance journalist who was also arrested.<sup>67</sup>

On 9 July 2019, Sikhala was detained at Masvingo Remand Prison.<sup>68</sup> On 10 July 2019, Sikhala went missing. Zimbabwe Republic Police (ZRP) officers blind-folded and moved him from Harare to Gutu. On 11 July 2019, Sikhala was located at Bikita Police Station in Masvingo, by his lawyers.<sup>69</sup> On 11 July 2019, Sikhala's lawyers filed an application for bail.<sup>70</sup> On 15 July 2019, Sikhala's application for bail was heard by a High Court

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<sup>62</sup> This trade unionists included Amalgamated Rural Teachers Union of Zimbabwe Secretary-General Robson Chere, Jessica Drury, Munyaradzi Ndawana and Precious Ndllovu.

<sup>63</sup> Zimbabwe Lawyers for Human Rights, "State Paranoia Plumbs New Depths in Zimbabwe", <https://www.zlhr.org.zw/?p=1947>, 4 March 2020. The trial took place before Magistrate Usheunesu Matova. The charges were "participating in a gathering with intent to promote public breaches of peace or bigotry" as defined in section 37(1)(a) of the Criminal Law (Codification and Reform) Act.

<sup>64</sup> Zimbabwe Lawyers for Human Rights, "State Paranoia Plumbs New Depths in Zimbabwe", <https://www.zlhr.org.zw/?p=1947>, 4 March 2020.

<sup>65</sup> <https://twitter.com/DougColtart>

<sup>66</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mawarire's Trials Fail to Commence", <https://www.zlhr.org.zw/?p=1755>, 9 July 2019.

<sup>67</sup> Zimbabwe: LATEST: MDC Alliance MP Job Sikhala Arrested, <https://defendlawyers.wordpress.com/2021/01/10/zimbabwe-latest-mdc-alliance-mp-job-sikhala-arrested/>, 10 January 2021.

<sup>68</sup> Lawyers for Human Rights, "Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mawarire's Trials Fail to Commence", <https://www.zlhr.org.zw/?p=1755>, 9 July 2019. Zimbabwe Lawyers for Human Rights, "Sikhala Acquitted Over Plot To Overthrow Mnangagwa's Govt", <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, "Sikhala Set Free on RTGS 5 000 Bail", <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. Bail was granted by High Court Judge Justice Neville Wamambo. Zimbabwe. Sikhala's lawyers were Beatrice Mtetwa, Jeremiah Bamu, Tinomuda Shoko and Blessing Nyamaropa of ZLHR.

<sup>69</sup> Zimbabwe Lawyers for Human Rights, "Blind-Folded Sikhala Located in Masvingo as Police Arrest MDC Youth Leader", <https://www.zlhr.org.zw/?p=1760>, 1<1 July 2019. Sikhala was represented by Jeremiah Bamu and Tinomuda Shoko of ZLHR. Sikhala was charged with "subverting constitutional government" under section 22(2)(a)(iii) of the Criminal Law Act.

<sup>70</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail", <https://www.zlhr.org.zw/?p=1764>, 12 July 2019. Sikhala's lawyers were Jeremiah Bamu and Tinomuda Shoko of ZLHR.

judge.<sup>71</sup> Here, he was charged with “*subverting constitutional government*” under section 22(2)(a)(iii) of the Criminal Law Act. Sikhala was released from detention on ZWL \$5 000 bail.<sup>72</sup> On 24 July 2019, Sikhala returned to court.<sup>73</sup> He was given a trial date by the State prosecution. He was set to appear before a Masvingo High Court judge on 27 January 2020. The trial did not commence on 27 January 2020, it only commenced on 3 February 2020.<sup>74</sup>

During the trial held on 3 February 2020, the prosecutor alleged that Sikhala had publicly encouraged the overthrowing of the government at a political rally. The judge however held that there was merit to this claim.<sup>75</sup> On 14 February 2020, Sikhala was acquitted.<sup>76</sup> The judge ruled that Sikhala’s application for exception is valid, as the statements Sikhala made do not disclose an offence as alleged.<sup>77</sup>

The question which the judge had to decide on was whether the accused’s alleged utterances as quoted in the indictment or charge fit within the ambit of s 22(2)(a)(i) of the Criminal Law Codification and Reform Act. The judge ruled that the said quoted offending words, taken as they are, firstly do not make sense at all. This is so because the State has simply cherry-picked certain words or utterances in the midst of some alleged speech or pronouncements in order to construe some specific narrative. The judge further confirmed that indeed the Constitution allows for the removal of a constitutionally elected President before his or her term expires, and therefore Sikhala did not commit an offence by calling for the removal of the President.<sup>78</sup>

On 21 August 2020, Sikhala was arrested again. In July 2020, an anti-corruption demonstration was planned by the opposition. On 20 July 2020 and 21 August

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<sup>71</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail”, <https://www.zlhr.org.zw/?p=1764>, 12 July 2019.

<sup>72</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mawarire’s Trials Fail to Commence”, <https://www.zlhr.org.zw/?p=1755>, 9 July 2019. Zimbabwe Lawyers for Human Rights, “Sikhala Acquitted Over Plot To Overthrow Mnangagwa’s Govt”, <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, “Sikhala Set Free on RTGS 5 000 Bail”, <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. Bail was granted by High Court Judge Justice Neville Wamambo. Zimbabwe. Sikhala’s lawyers were Beatrice Mtetwa, Jeremiah Bamu, Tinomuda Shoko and Blessing Nyamaropa of ZLHR.

<sup>73</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mawarire’s Trials Fail to Commence”, <https://www.zlhr.org.zw/?p=1755>, 9 July 2019. Zimbabwe Lawyers for Human Rights, “Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail”, <https://www.zlhr.org.zw/?p=1764>, 12 July 2019. Zimbabwe Lawyers for Human Rights, “Sikhala Acquitted Over Plot To Overthrow Mnangagwa’s Govt”, <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, “Sikhala Set Free on RTGS 5 000 Bail”, <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. Sikhala appeared before Magistrate Marewanazvo Gofa at Bikita Magistrates Court. Bail was granted by High Court Judge Justice Neville Wamambo. Zimbabwe. Sikhala’s lawyers were Beatrice Mtetwa, Jeremiah Bamu, Tinomuda Shoko and Blessing Nyamaropa of ZLHR.

<sup>74</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>75</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Acquitted Over Plot To Overthrow Mnangagwa’s Govt”, <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, “Sikhala Set Free on RTGS 5 000 Bail”, <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. The prosecutor in the case was Tawanda Zvekare.

<sup>76</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Acquitted Over Plot To Overthrow Mnangagwa’s Govt”, <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Sikhala was acquitted by High Court Judge Justice Garainesu Mawadze.

<sup>77</sup> Zimbabwe Lawyers for Human Rights, “Sikhala Acquitted Over Plot To Overthrow Mnangagwa’s Govt”, <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, “Sikhala Set Free on RTGS 5 000 Bail”, <https://www.zlhr.org.zw/?p=1766>, 15 July 2019.

<sup>78</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

2020 respectively, Chin'ono and Sikhala were both arrested. The police then charged the two with incitement to violence.<sup>79</sup> Zimbabwe Republic Police officers alleged that Sikhala had, between 1 March 2020 and 21 August 2020, incited public participation in demonstrations that were deemed to cause public violence. The police officers also alleged that Sikhala had, between 31 July 2020 and on 31 August 2020, disrupted the peace in Zimbabwe by posting videos with messages that encouraged disruptive behavior.<sup>80</sup> On 22 August 2020, Sikhala appeared at Harare Magistrates Court for his initial appearance.<sup>81</sup> He was remanded in custody.<sup>82</sup>

On 24 August 2020, Sikhala was exposed to the dire conditions at Chikurubi Maximum Security Prison. He alleged that prisoners were dying of the COVID-19 virus at prison. He also reported being ill-treated by prison guards.<sup>83</sup>

On 26 August 2020, a Magistrate handed down his ruling on Sikhala's application that he *"did not commit an offence warranting to be arrested and detained through recording*

*and circulating the alleged videos as he was exercising his constitutional rights to freedom of expression and petition"*.<sup>84</sup>

On 3 September 2020, Sikhala was denied bail on the grounds that he allegedly might go into hiding before the trial would start.<sup>85</sup> On 4 September 2020, Sikhala requested the High Court to release him on bail.<sup>86</sup> The High Court ordered the record of proceedings in which Sikhala was denied bail, in order to assess the lower court's reasoning.

On 11 September 2020, Sikhala's appeal hearing was to be held.<sup>87</sup> The matter was, however, further postponed to 14 September 2020 as lawyers required time to go through the state's response to the bail appeal. On 22 September 2020, Sikhala was granted ZWL \$50 000 bail by a High Court judge after spending more than a month at Chikurubi Maximum prison. Job Sikhala is still on remand and awaiting set down for trial.<sup>88</sup>

On 9 January 2021, Sikhala was arrested by the police. In the week of his arrest, Chin'ono had tweeted that a baby had been killed by

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<sup>79</sup> Zimbabwe: LATEST: MDC Alliance MP Job Sikhala Arrested, <https://defendlawyers.wordpress.com/2021/01/10/zimbabwe-latest-mdc-alliance-mp-job-sikhala-arrested/>, 10 January 2021.

<sup>80</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Exposes Prison Conditions as Court Denies Chin'ono Bail", <https://www.zlhr.org.zw/?p=2135>, 25 August 2020. Zimbabwe Lawyers for Human Rights, "Sikhala arrested over July 31 Protest", <https://www.zlhr.org.zw/?p=2125>, 21 August 2020. He was formally charged with "incitement to commit public violence" under sections 187(1)(a) and 36(1)(a) of the Criminal Law Act. The alternative charge was "incitement to participate in a gathering with intent to promote public violence, breaches of peace or bigotry" under section 37(1)(a) of the Criminal Law Act.

<sup>81</sup> Zimbabwe Lawyers for Human Rights, "Sikhala arrested over July 31 Protest", <https://www.zlhr.org.zw/?p=2125>, 21 August 2020. Sikhala was represented by Jeremiah Bamu and Advocate Eric Matinenga of ZLHR.

<sup>82</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>83</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Exposes Prison Conditions as Court Denies Chin'ono Bail", <https://www.zlhr.org.zw/?p=2135>, 25 August 2020. Sikhala is represented by the lawyers Jeremiah Bamu, Advocate Eric Matinenga and Harrison Nkomo from ZLHR.

<sup>84</sup> Ibid.

<sup>85</sup> This was heard by Harare Magistrate Lazini Ncube.

<sup>86</sup> Sikhala's bail appeal was filed by Jeremiah Bamu of ZLHR.

<sup>87</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Makes Freedom Bid At High Court", <https://www.zlhr.org.zw/?p=2156>, 9 September 2020.

<sup>88</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

a police officer, for allegedly beating the baby with a baton stick. Chin'ono was thereafter arrested for communicating untruths prejudicial to the state. Sikhala believes that the police had arrested him for his connection to Chin'ono.<sup>89</sup> He was arrested by the police at Harare Magistrates Court and then detained at Harare Central Police Station.<sup>90</sup> The day Sikhala was arrested the police had already sent an intel that they were looking for Sikhala, and lawyers Fadzayi Mahere and David Coltart. Sikhala had gone to attend Hopewell's initial appearance as part of his legal team.<sup>91</sup> Advocate Fadzayi Mahere was later arrested and detained on the same charge.

### 9) Obey Shava

Obey Shava is human rights lawyer. On 31 July 2020, Obey Shava had accompanied his clients, Cecelia Chimhiri, Joanna Mamombe and Netsai Marova to Harare Central Police Station to report in accordance their bail conditions. Obey and his clients had an altercation with soldiers who were manning a roadblock close to the Zanu PF Headquarters.<sup>92</sup> He was arrested and taken to Harare Central Police Station together with his clients. Obey was detained for close to four hours and later released without any charge.<sup>93</sup>

### 10) Tendai Biti

On 23 January 2021, Tendai Biti was arrested by police officers in Karoi. Biti was not informed of the reason for his arrest. After some time, he was released without any known or filed charges against him.<sup>94</sup>

## ii. Analysis of the situation

Article 16 of the Basic Principles require States to adopt all appropriate measures to ensure that lawyers "are able to perform all of their professional functions without intimidation, hindrance or improper interference." The Principles further require that lawyers "shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics."

Interference in the work of lawyers may lead to violations of the right to a fair trial under article 14 of the ICCPR, as has been recognized by the Human Rights Committee (Committee). The Committee has stated that "lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter."<sup>95</sup>

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<sup>89</sup> Zimbabwe: LATEST: MDC Alliance MP Job Sikhala Arrested, <https://defendlawyers.wordpress.com/2021/01/10/zimbabwe-latest-mdc-alliance-mp-job-sikhala-arrested/>, 10 January 2021.

<sup>90</sup> Zimbabwe Lawyers for Human Rights, "Chin'ono to Spend Weekend in Prison as Police Arrest Sikhala at Court", <https://www.zlhr.org.zw/?p=2244>, 9 January 2021. Sikhala is represented by Jeremiah Bamu of ZLHR.

<sup>91</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>92</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>93</sup> Zimbabwe Lawyers for Human Rights, "Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent", <https://www.zlhr.org.zw/?p=2119>, 31 July 2020. This occurred at a checkpoint mounted near the ruling ZANU PF party headquarters. Shava and his clients were on their way from Harare Magistrates Court to Harare Central Police Station. His clients were to report to police as a part of their bail conditions. Shava and his arrested clients were represented by Harrison Nkomo of ZLHR.

<sup>94</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

<sup>95</sup> UN Human Rights Committee (HRC), General Comment No.32, Article 14 (Right to equality before courts and tribunals and to a fair trial), 23 August 2007 CCPR/C/GC/32, par. 34.

The increase in arbitrary arrests on lawyers in Zimbabwe that have taken place since the end of 2019, stand in stark contrast to the safeties granted to lawyers under the Basic Principles. The arbitrary arrests of lawyers in Zimbabwe is a breach of rights and privileges of lawyers and also constitutes an unlawful disruption to the legal representation of their clients.

## c. Harassment of lawyers

In addition to the arbitrary arrests of lawyers, there are also a few cases of lawyers being excessively followed or held by the police and being harassed in other ways.

### i. Case studies

#### 11) Tendai Biti

On 23 January 2021, on the same day that Tendai Biti was arrested, three unknown persons were seen attaching various cardboard signs to the fences at, or in the vicinity of, Biti's law firm in Harare. The cardboard signs bore serious, yet untruthful, allegations against Tendai Biti such as "*office of a rightful stupid Biti*" and "*you are murderer Tendai Biti*". In the evening of the same day, Biti's offices were attacked. A report on the attack was made at the police, but no arrest was made.<sup>96</sup>

In the following days, Tendai Biti was also personally approached and threatened. He even received death threats. The authorities

in Zimbabwe have not taken any action in response to the threats against Tendai Biti.<sup>97</sup>

#### 12) Lawman Chimuriwo

Lawman Chimuriwo is a Harare-based lawyer. On 6 and 8 June 2020, he was questioned by Zimbabwe Republic Police officers. The state intended to turn Chimuriwo into a state witness in the case of Mpofu, Makanza and Chirambwe.<sup>98</sup> Lawman Chimuriwo was not formally charged and is one of the state witnesses in the case against Mpofu, Makanza and Chirambwe.<sup>99</sup>

#### 13) Beatrice Mtetwa

In August 2020, a large number of anti-riot police sat outside Beatrice Mtetwa's offices, in full gear. Mtetwa and her client, Chin'ono were also followed by a prison guard in court, which made it difficult for the two to have a private conversation.<sup>100</sup>

### ii. Analysis of the situation

The Basic Principles require States to adopt all appropriate measures to ensure that lawyers are able to perform all of their professional functions "without intimidation, hindrance, harassment or improper interference". Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (under Principles 16 (a) and 17).

The Zimbabwean authorities should thus ensure that all lawyers who are at risk because of their professional activities are

<sup>96</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

<sup>97</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

<sup>98</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020.

<sup>99</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>100</sup> Savanna News, Police camp outside Hopewell Chin'ono's lawyer Beatrice Mtetwa's office, <https://savannanews.com/police-camp-outside-hopewell-chinonos-lawyer-beatrice-mtetwas-office/>, 13 August 2020. Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 17 April 2021.

adequately safeguarded, so they can freely carry out their profession.

## d. Physical attacks on lawyers

Physical assaults of lawyers in Zimbabwe by the police demonstrate a clear disregard for constitutional protections, as well as for regional and international human rights standards.

### i. Case studies

#### 1) *Douglas Coltart*

In August 2019, Coltart was assaulted by Zimbabwe Republic Police officers. This occurred while Coltart was executing his professional duties as a lawyer representing his clients.<sup>101</sup>

Coltart was physically assaulted by Zimbabwe Republic Police officers again in the context of his arrest on 23 November 2019. Coltart was at the Harare Central Police Station to offer emergency legal support services to his client, Obert Masaraure, the President of the Amalgamated Rural Teacher Union of Zimbabwe (ARTUZ).<sup>102</sup> Despite identifying himself as a lawyer and showing his legal practicing certificate, Coltart was denied access to his client.<sup>103</sup>

Coltart tried to bring a complaint against the police officers for denying him access to his client. The police officers instead followed

him, and dragged him out of the office where he was making the complaint. Coltart was handcuffed and violently assaulted by a Chief Inspector and several other unidentified police officers, which caused injuries to his neck, back, arms and legs. He was also detained shortly again and then released without charge.<sup>104</sup>

On 18 February 2020, Coltart received summons to appear in court to face new charges. These charges related to a teachers' meeting of ARTUZ in April 2019. This meeting was raided by suspected members of the Central Intelligence Organization and led to the interrogation of four teachers. Coltart was called in for questioning by the police the following day. He was charged with the same offense as the teachers. Coltart's laptop was seized and while it was in police custody there was a cyber-attack on his law firm's network.<sup>105</sup>

### ii. Analysis of the situation

The assault and resulting injuries that Coltart has suffered show the severity of human rights abuses that practicing lawyers in Zimbabwe may be subjected to. The assault of Coltart violates sections 208 and 219 of the Constitution of Zimbabwe. Under section 208, police officers are prohibited from violating people's fundamental rights and freedoms. Under section 219, the police are to protect and secure peoples' lives and to uphold the Constitution.<sup>106</sup>

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<sup>101</sup> See also: Letter on the arrest and attack on lawyer Douglas Coltart, <https://lawyersforlawyers.org/letter-on-the-arrest-and-attack-on-lawyer-douglas-coltart/>, 11 March 2020.

<sup>102</sup> Coltart's client was Obert Masaraure, the President of Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ).

<sup>103</sup> See also: Letter on the arrest and attack on lawyer Douglas Coltart, <https://lawyersforlawyers.org/letter-on-the-arrest-and-attack-on-lawyer-douglas-coltart/>, 11 March 2020.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Zimbabwe Lawyers for Human Rights, "ZLHR Condemns Assault of Human Rights Lawyer", <https://www.zlhr.org.zw/?p=1884>, 25 November 2019.

Basic Principles 16(a) and 17 are an emanation of the right to liberty and security of person, as enshrined in article 9 ICCPR. In this respect, the Special Rapporteur on the Independence of Judges and Lawyers has noted that “States must respond appropriately to patterns of violence against lawyers, prevent and redress attacks against lawyers [...]”.<sup>107</sup>

Moreover, in General Comment 35, the Committee states that “the right to security of person protects individuals against intentional infliction of bodily or mental injury. It obliges State officials not only to

abstain from inflicting unjustifiable bodily or mental injury, but also to take appropriate measures in response to death threats against persons, and more generally to protect individuals from foreseeable threats to life or bodily integrity coming from any governmental or private actors”.<sup>108</sup>

L4L and ZLHR have therefore called upon the Zimbabwean authorities to take immediate and unconditional actions to end all harassment and prosecution of Douglas Coltart in connection with his legitimate activities as a lawyer.

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<sup>107</sup> UN General Assembly, *Independence of judges and lawyers*, 22 August 2016, A/71/348, par. 73.

<sup>108</sup> UN Human Rights Committee (HRC), *General comment No. 35, Article 9 (Liberty and security of person)*, 16 December 2014, CCPR/C/GC/35, par. 9.

## IV. Recommendations

L4L and ZLHR call upon the Zimbabwean authorities to guarantee in all circumstances that lawyers in Zimbabwe are able to carry out their legitimate professional rights and duties without fear of reprisals and free of all restrictions, including judicial harassment. In its task of promoting and ensuring the proper role of lawyers, the Government of Zimbabwe should respect, and take account of, the Basic Principles within the framework of its national legislation and practice. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to legal assistance and representation.<sup>109</sup>

Furthermore, as a member of the African Union and the UN, and as a party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, Zimbabwe has legal obligations to adopt measures that effectively ensure rights to liberty, freedom from arbitrary detention, freedom of expression, and fair trial.

L4L and ZLHR also call attention to the Report of the Working Group on the Universal Periodic Review Zimbabwe of Human Rights Council of 28 December 2016, which includes various recommendations by UN member states as to the position and protection of lawyers in Zimbabwe. In light of the concerns

addressed in this report, L4L and ZLHR draw specific attention to the following recommendations, as regards to which Zimbabwe expressed that they enjoy the support<sup>110</sup> of Zimbabwe:

*131.97 Ensure that violence directed against political activists, regardless of political affiliation, and human rights defenders will not be tolerated and that perpetrators will be held accountable in accordance with the law (Sweden).*

*131.94 Take concrete steps to create and maintain a safe and enabling environment for human rights defenders (Norway).*

In view of the above, L4L and ZLHR respectfully urge the Government of Zimbabwe and Zimbabwean authorities to:

- 1) Immediately and unconditionally put an end to all acts of harassment against lawyers, including at the judicial level;
- 2) Take all necessary measures to guarantee the physical and psychological integrity and security of lawyers;
- 3) Guarantee in all circumstances that all lawyers in Zimbabwe are able to carry out their legitimate professional rights and duties without fear of reprisals and free of all restrictions including judicial harassment.

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<sup>109</sup> Basic Principles, Preamble and paragraph 8 in particular.

<sup>110</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review of Zimbabwe of 28 December 2016, A/HRC/34/8.

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# Appendix A: List of lawyers detained in Zimbabwe since January 2020<sup>111</sup>

The list details the cases of 9 lawyers who have been arrested or restricted in carrying out their profession as a lawyer in Zimbabwe since January 2020.

NO.	NAME	SHORT DESCRIPTION OF INCIDENTS	CURRENT STATUS
1.	<b>Patrick Tererai</b>	- <b>10 March 2020:</b> Patrick Tererai was arrested and detained overnight at Beitbridge police station after representing his client at the police station. He was charged with the disorderly conduct.	N/A
2.	<b>Thabani Mpofo</b>	<ul style="list-style-type: none"> <li>- <b>1 June 2020:</b> Thabani Mpofo arrested and detained.</li> <li>- <b>3 June 2020:</b> Released on bail by the Harare Magistrates Court</li> <li>- <b>Allegations:</b> He drafted an affidavit on behalf of a person who is said not to exist. The allegation also claims that the affidavit was not sworn before a Commissioner of Oaths.<sup>112</sup></li> <li>- <b>Charged:</b> Charged with corruptly concealing a transaction from a principal as defined in section 172(1)(b) of the Criminal Law (Codification and Reform) Act and perjury as defined in section 183(1)(a) of the Criminal Law (Codification and Reform) Act.</li> <li>- <b>10 July 2020:</b> Returned to Court.</li> <li>- <b>8 September 2020:</b> Thabani Mpofo has approached the High Court challenging a ruling by a Harare magistrate placing him on remand for the three charges he is facing.<sup>113</sup></li> <li>- <b>29 December 2020:</b> Arrested and “formally charged over comments he made criticizing fast-food outlet Chicken Inn for allegedly aiding the prosecution of three female MDC Alliance activists accused of faking their abduction and torture”.<sup>114</sup></li> </ul>	Mpofo is still on remand and is awaiting a trial date. <sup>115</sup>

<sup>111</sup> <https://www.zlhr.org.zw/?p=2064>

<sup>112</sup> <https://lawyersforlawyers.org/24514/>

<sup>113</sup> <https://allafrica.com/stories/202009080639.html>

<sup>114</sup> <https://defendlawyers.wordpress.com/2021/01/01/zimbabwe-lawyer-mpofu-charged-over-tweet-critical-of-zanu-pf-propaganda-video/>

<sup>115</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

3. <b>Choice Damiso</b>	<ul style="list-style-type: none"> <li>- <b>6 June 2020:</b> In connection to the arrest of Mr. Mpofu, Choice Damiso, before whom the affidavit was sworn, was arrested and taken in by the police for questioning. Choice Damiso was later released without a charge.</li> </ul>	State witness; will testify at trial.
4. <b>Tapiwa Makanza</b>	<ul style="list-style-type: none"> <li>- <b>7 June 2020:</b> Zimbabwe Republic Police (ZRP) members arrested and charged Harare-based lawyer Tapiwa Makanza with defeating or obstructing the course of justice as defined in section 184(1)(a) of the Criminal Law (Codification and Reform) Act. Released on bail. Ordered to report at the ZRP Anti-Corruption Unit and to continue residing at his given residential address.</li> <li>- <b>10 July 2020:</b> Returned to Court.</li> </ul>	Makanza remains on remand and awaits a trial date. <sup>116</sup>
5. <b>Joshua Chirambwe</b>	<ul style="list-style-type: none"> <li>- <b>8 June 2020:</b> Joshua Chirambwe was arrested on allegations of assisting Mr. Mpofu. It has been alleged that Joshua Chirambwe assisted Mr. Mpofu to plagiarize an affidavit.</li> <li>- <b>Charged:</b> Mr. Makanza and Joshua Chirambwe were charged with obstructing the course of justice.</li> <li>- <b>Accused:</b> Joshua Chirambwe was accused of conniving with Advocate Thabani Mpofu to obstruct any investigations into the existence of Zuze upon realizing that the initial application tendered by Advocate Mpofu in the Constitutional Court was struck off the court's roll on 6 February 2020.</li> <li>- <b>10 July 2020:</b> Returned to court.</li> </ul>	Chirambwe has been attending court for routine remand while awaiting a trial date from the state prosecution. <sup>117</sup>
6. <b>Dumisani Dube</b>	<ul style="list-style-type: none"> <li>- <b>6 June 2020:</b> Dumisani Dube was arrested and charged with defeating or obstructing the course of justice as defined in section 184(1)(d) of the Criminal Law (Codification and Reform) Act, he was granted RTGS\$5 000 bail when he appeared at Bulawayo Magistrates Court.</li> <li>- <b>Allegation:</b> The allegation against Dumisani Dube is that he has filed a fake certificate of service and consequently obtained a judgment in favour of his client.</li> <li>- <b>18 June 2020:</b> Returned to Court.</li> </ul>	The State prosecution withdrew his charges before plea on 30 September 2020. <sup>118</sup>

<sup>116</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>117</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>118</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

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|----------------------------|--|---|
| 7. <b>Lawman Chimuriwo</b> | <ul style="list-style-type: none"> <li>- <b>6 June 2020:</b> Advocate Choice Damiso and Lawman Chimuriwo were quizzed by ZRP members.</li> <li>- <b>8 June 2020:</b> Quizzed by ZRP members with reports that the state intends to turn them into state witnesses in the case of Advocate Mpofu, Makanza and Chirambwe.</li> </ul>   | Chimuriwo was not formally charged and is one of the state witnesses in the case against Mpofu, Makanza and Chirambwe. <sup>119</sup> |
| 8. <b>Beatrice Mtetwa</b>  | <ul style="list-style-type: none"> <li>- <b>18 August 2020:</b> Beatrice Mtetwa was barred from representing the detained journalist Hopewell Chin'ono at the Harare Magistrate Court. The Zimbabwean magistrate further ordered that Beatrice should be charged with contempt of court.<sup>120</sup></li> <li>- <b>September 2020:</b> Beatrice Mtetwa and Hopewell Chin'ono filed an application for review of the Magistrate's decision.<sup>121</sup></li> <li>- <b>15 December 2020:</b> Returned to court.<sup>122</sup></li> </ul>   | The High Court has since upheld the appeal and Mtetwa cannot be barred from representing Hopewell Chin'ono.                           |
| 9. <b>Douglas Coltart</b>  | <ul style="list-style-type: none"> <li>- <b>23 August 2019:</b> Douglas Coltart was violently arrested during an organized protest by the Amalgamated Rural Teacher Union of Zimbabwe (ARTUZ). Coltart was present at this protest acting in his capacity as a lawyer and legal representative of ARTUZ. While filming the arrests, Coltart himself was violently arrested.</li> <li>- <b>23 November 2019:</b> Douglas Coltart was violently assaulted again at Harare Central Police Station by a Chief Inspector and several other unidentified police officers, after providing emergency legal assistance to Obert Masaraure, the President of ARTUZ.</li> <li>- <b>18 February 2020:</b> Douglas Coltart received summons to appear in court to face new charges. These charges relate to a teachers' meeting of ARTUZ in April 2019, which was raided by suspected members of the Central Intelligence Organization and led to the interrogation of four teachers.</li> </ul> | There is no pending case against Coltart, except for the claim for damages for the unlawful arrest that he is claiming.               |

<sup>119</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>120</sup> <https://lawyersforlawyers.org/beatrice-mtetwa-barrred-from-representing-client/>

<sup>121</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020.

<sup>122</sup> Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020. The prosecutor in this case was Whisper Mabhaudhi of the National Prosecuting Authority.

- **4 March 2020:** Zimbabwean authorities accused Coltart of plotting to provoke civil disobedience.
- **6 April 2020:** trial commenced.
- **24 September 2020:** Coltart was found not guilty.<sup>123</sup>

10. <b>Job Sikhala</b>	<ul style="list-style-type: none"> <li>- <b>July 2020:</b> An anti-corruption demonstration was planned by the opposition.</li> <li>- <b>9 July 2019:</b> Job Sikhala was detained. The police charged Job Sikhala and the freelance journalist, Hopewell Chin'ono with violence incitement and arrested them.<sup>124</sup></li> <li>- <b>10 July 2019:</b> Job Sikhala was blind folded by police and went missing.</li> <li>- <b>11 July 2019:</b> Application for bail filed.</li> <li>- <b>15 July 2019:</b> Bail application heard.</li> <li>- <b>24 July 2019:</b> Returned to court.<sup>125</sup></li> <li>- <b>3 February 2020:</b> Trial commenced.<sup>126</sup></li> <li>- <b>14 February 2020:</b> Job Sikhala was acquitted.<sup>127</sup></li> <li>- <b>21 August 2020:</b> arrested by police and charged the two with violence incitement.</li> <li>- <b>24 August 2020:</b> Job Sikhala exposed the dire conditions.</li> <li>- <b>26 August 2020:</b> Ruling granted on Job Sikhala's application denying the charges.<sup>128</sup></li> <li>- <b>3 September 2020:</b> Denied bail on the grounds that he allegedly might go into hiding before the trial would start.<sup>129</sup></li> </ul>	On bail and awaiting trial date for the 31 <sup>st</sup> July 2020 protests arrest.
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<sup>123</sup> <https://twitter.com/DougColtart>

<sup>124</sup> Zimbabwe: LATEST: MDC Alliance MP Job Sikhala Arrested, <https://defendlawyers.wordpress.com/2021/01/10/zimbabwe-latest-mdc-alliance-mp-job-sikhala-arrested/>, 10 January 2021.

<sup>125</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mawarire's Trials Fail to Commence", <https://www.zlhr.org.zw/?p=1755>, 9 July 2019. Zimbabwe Lawyers for Human Rights, "Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail", <https://www.zlhr.org.zw/?p=1764>, 12 July 2019. Zimbabwe Lawyers for Human Rights, "Sikhala Acquitted Over Plot To Overthrow Mnangagwa's Govt", <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, "Sikhala Set Free on RTGS 5 000 Bail", <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. Sikhala appeared before Magistrate Marewanazvo Gofa at Bikita Magistrates Court. Bail was granted by High Court Judge Justice Neville Wamambo. Zimbabwe. Sikhala's lawyers were Beatrice Mtetwa, Jeremiah Bamu, Tinomuda Shoko and Blessing Nyamaropa of ZLHR.

<sup>126</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>127</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Acquitted Over Plot To Overthrow Mnangagwa's Govt", <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Sikhala was acquitted by High Court Judge Justice Garainesu Mawadze.

<sup>128</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Exposes Prison Conditions as Court Denies Chin'ono Bail", <https://www.zlhr.org.zw/?p=2135>, 25 August 2020.

<sup>129</sup> This was heard by Harare Magistrate Lazini Ncube.

		<ul style="list-style-type: none"> <li>- <b>4 September 2020</b>: Job Sikhala requested the high court to release him on bail.<sup>130</sup></li> <li>- <b>14 September 2020</b>: Trial commenced.</li> <li>- <b>22 September 2020</b>: Job Sikhala was granted bail.</li> <li>- <b>9 January 2021</b>: Job Sikhala was arrested by the police.</li> </ul>	
12.	<b>Obey Shava</b>	- Obey Shava was arrested and taken to Harare Central Police Station together with his clients.	Shava was not formally charged. He was released without any charge.
13.	<b>Tendai Biti</b>	<ul style="list-style-type: none"> <li>- <b>23 January 2021</b>: Tendai Biti was arrested by police officers in Karoi, without being informed of the reason for his arrest; he was later released without any charges.</li> <li>- <b>23 January 2021</b>: Unknown persons put up cardboard signs with false allegations by Tendai Biti's law firm in Harare.</li> <li>- <b>End of January 2021</b>: Tendai Biti was personally approached/threatened and received death threats.</li> </ul>	N/A

<sup>130</sup> Sikhala's bail appeal was filed by Jeremiah Bamu of ZLHR.



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