

URGENT ACTION

OPPOSITION ACTIVISTS REARRESTED; ONE CHARGED

Opposition activists Joana Mamombe, Netsai Marova and Cecilia Chimbiri, together with their lawyer, were rearrested by the police on 31 July whilst on their way to Harare Central Police Station where they were scheduled to report as part of bail conditions. Joana Mamombe and Netsai Marova were later released without charge. Cecilia Chimbiri was only released after being charged with insulting a police officer after a soldier falsely accused her of insulting him and assaulted her with a whip.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Hon Kazembe Kazembe
Minister of Home Affairs and Cultural Heritage
11th Floor Mukwati Building
Cnr 4th Street and Selous Avenue
P Bag 7703, Causeway, Harare
Zimbabwe
Email: thesecretary@moha.gov.zw

Minister Kazembe Kazembe,

Three opposition activists, **Joana Mamombe, Cecilia Chimbiri and Netsai Marova**, abducted from state custody, sexually violated, tortured and hospitalised in May 2020, simply for leading a demonstration over the government's failure to provide social protection for the poor during the COVID-19 lockdown, continue to be persecuted in Zimbabwe.

On 31 July, the three activists appeared in court following a state summons, in connection with charges brought against them on 10 June of 'communicating or publishing false statement prejudicial to the state' and 'defeating or obstructing the course of justice'. After their court appearance, they were accompanied by their lawyer to report to the Harare Central Police station as required by their bail conditions. They were stopped by police and soldiers near the ruling party, ZANU-PF's, Headquarters. A soldier falsely accused Cecilia Chimbiri of insulting him and whipped her with a heavy leather whip. The three activists and their lawyer were arrested and taken to Harare Central Police Station, where police refused to record Cecilia Chimbiri's complaint and charged her with insulting a police officer. She was later released and will appear in court.

I am deeply concerned by the assault on Cecilia Chimbiri and the subsequent arrest of the three activists with their lawyer, which prevented them from meeting their bail conditions and resulted in the fresh fabricated charges against Cecilia Chimbiri.

Therefore, I urge you as Minister of Home Affairs to:

- **Immediately drop all the charges against the three activists;**
- **Undertake a thorough, independent, impartial, transparent and effective investigation into their enforced disappearance from state custody and into all allegations of sexual assault and torture;**
- **Bring to justice those suspected to be responsible and ensure that the victims and their families have access to justice and effective remedies, which include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.**

Yours sincerely,

ADDITIONAL INFORMATION

Joana Mamombe, an MDC Alliance legislator for Harare West, Cecilia Chimhiri, the MDC Youth National Vice Chairperson and Netsai Marova, Youth Deputy Organising Secretary, were arrested on 13 May 2020 for leading an anti-government protest taking place that day over the authorities' response to the COVID-19 outbreak and hunger in the country. They were arrested at a police roadblock manned by police and soldiers near Warren Park, along Bulawayo Road in Harare. They were taken to Harare Central Police Station where they were asked to get into another vehicle under the pretext that they were being taken to Warren Park Police Station. According to the activists, they were hooded and driven to an unknown place where they were beaten on the soles of their feet, sexually assaulted and forced to eat human excreta. On 14 May, the national police spokesperson, Assistant Commissioner Paul Nyathi confirmed their arrest, though he was not aware of where they were being held. But on the same day, the police denied the activists were in their custody, through their official Twitter account.

In the early hours of 15 May, the three activists were found dumped in the town of Bindura, 87 km from Harare, with their clothes torn and brutally assaulted. They were hospitalised. Whilst in hospital the authorities charged them for breaching Section 37 of Criminal Code, that is gathering with intent to promote public violence, breach of peace, which provides for imprisonment up to five years or a fine or both and Section 5(3) and (1) of Statutory Instrument 99/20 that prohibits gatherings, which provides for one-year imprisonment or a fine or both. Through a special court hearing conducted in hospital, the three were granted bail of ZWD\$1 000.

On 10 June, the three activists were arrested whilst at their lawyers' offices. They were accused of lying about their torture and charged with Section 31 (a)(1)(iii) of the Criminal Law Act- which is communicating or publishing false statement prejudicial to the state, as well as section 184(1)(f) of the Criminal Law Act which is defeating or obstructing the course of justice as defined in section 184(1)(f). They were denied bail on 15 June and remanded in custody until 26 June. Whilst in custody they were denied access to food from their relatives. Their lawyers appealed to the High Court. On 26 June, the High Court granted them bail under onerous conditions including bail of ZWD \$10,000.00 (around USD \$177 at the Government Interbank Rate), reporting 3 times a week to the police and barring them from communicating about their matter directly or otherwise with any of the public and or private media, including social media.

On the day of their arrest, on 10 June, nine UN Special Rapporteurs called for an end to abductions and torture and for their charges to be immediately dropped. Some government officials including the Minister of Justice, the Permanent Secretary in the Ministry of Media, Information and Broadcasting have dismissed their disappearance and claimed that it had been 'stage managed' by the opposition. After their abduction, the Minister of Justice came out calling for their arrest in May. The Minister of Home Affairs and Cultural Heritage gave a statement poking loopholes in their story and accusing them of seeking Western sympathy before instituting an investigation. He also accused the doctors who examined them of being anti- government.

On 13 August, a Harare magistrate erroneously issued an arrest warrant for Joana Mamombe following claims that she had failed to turn up for court. The warrant of arrest was cancelled after the state realised, thanks to an intervention by her lawyer, that Joana Mamombe was not supposed to appear in court on the day in question.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 October 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Joana Mamombe; Cecilia Chimhiri; Netsai Marova (She/ Her)

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