



Inter-Parliamentary Union
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Zimbabwe

*Decision adopted by consensus by the IPU Governing Council at its 207th session
(Virtual session, 25 May 2021) ¹*



Joana Mamombe © Women's Academy for Leadership and Political Excellence (WALPE)

ZWE-45 – Joana Mamombe

Alleged human rights violations

- ✓ Abduction
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Impunity
- ✓ Other violations: Discrimination

A. Summary of the case

Ms. Joana Mamombe is the youngest member of the Parliament of Zimbabwe and belongs to the opposition Movement for Democratic Change (MDC Alliance) party.

According to the complainants, at around 2 p.m. on Wednesday, 13 May 2020, Ms. Mamombe and two other

Case ZWE-45

Zimbabwe: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

Qualified complainants: Section I.1(d) of the Committee Procedure (Annex I)

Submission of complaints: May 2020 and April 2021

Recent IPU decision: November 2020

Recent IPU Mission(s): - - -

Recent Committee hearing: Hearing with a complainant at the 165th session of the Committee (May 2021)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2021)
- Communication from the complainants: May 2021
- Communications addressed to the authorities: Letters to the Speaker of the National Assembly (April 2021), and the Minister of Justice, the Prosecutor General, the Gender Commission and the Human Rights Commission, and the Police General Commissioner (April 2021)
- Communication addressed to the complainants: May 2021

young women leaders, namely Ms. Cecilia Chimбири and Ms. Netsai Marova, were abducted, tortured and sexually abused by suspected state security agents.

The complainants report that the three women were intercepted at a police roadblock manned by members of the Zimbabwe Republic Police and the Zimbabwe National Army in Harare. They were allegedly informed that they had been arrested for violating the COVID-19 regulations adopted by the Ministry of Health by taking part in a peaceful flash protest in Warren Park in Harare on 13 May 2020. On that day, Ms. Mamombe had led a flash protest with other young leaders over a lack of social safety nets for the poor in Zimbabwe in light of the pandemic.

According to the complainants, after being intercepted at the roadblock by the police, Ms. Mamombe and the two other young women leaders were taken to Harare Central Police Station. Then, instead of being fined for breaching COVID-19 regulations, or formally charged, they were allegedly forced into a minibus and taken to an undisclosed destination, where they were subjected to torture, sexual abuse and degrading treatment by a paramilitary group known as “the Ferrets”. The complainants report that, upon discovering that they were being abducted, the three women reached out to their family members and colleagues by phone and repeatedly texted them to share their location. After family members and colleagues raised the alarm about their whereabouts, the three women were reportedly dumped near Bindura at around 9 p.m. on Thursday, 14 May 2020. They were finally found and taken to safety at around 2 a.m. on Friday, 15 May 2020, by a team of family members and lawyers. The complainants further report that the three were then taken to hospital for treatment, and stressed that medical and psychological reports were made on the spot that proved that the three women had been subjected to torture and abuse during their disappearance.

According to the complainants, petitions regarding these abuses have been submitted to Zimbabwe’s Gender Commission, Human Rights Commission and the National Peace and Reconciliation Commission. The complainants affirm that these petitions have been copied to the Ministry of Justice, Ministry of Home Affairs, Ministry of Women’s Affairs and the Parliament of Zimbabwe. Yet, one year since the events of May 2020, these complaints have still not yielded any result. Moreover, the complainants declare that, instead of carrying out an independent investigation into the allegations, the State actually arrested Ms. Mamombe and her two colleagues on 10 June 2020 on the basis of their statements about the treatment they had suffered and charged them with making false statements prejudicial to the State. The women were later freed on bail after a widespread international campaign had pressured the authorities for their release. However, the complainants contend that Ms. Mamombe and her two colleagues’ rights were severely restricted as part of the conditions of bail, which compromise their freedom of movement and freedom of expression.

Ms. Mamombe has reportedly been arrested four times since then, most recently on 5 March 2021, when she was charged with allegedly breaching COVID-19 regulations after attending a press conference calling on the authorities to respect the right to a fair trial of a fellow opposition member. Since her last arrest, Ms. Mamombe has been held on remand in Chukuribi prison, together with convicted criminals, where she allegedly faced inhumane detention conditions and was at great risk of contracting COVID-19. She was briefly taken from remand to hospital and was finally released on bail on 5 May 2021.

The complainants report that Ms. Mamombe is one of the most prominent young women leaders in Zimbabwe. Over the past two years she has been very vocal and outspoken over deteriorating economic conditions in Zimbabwe and their effect on women and girls. According to the complainants, her situation should also be seen in the context of the rising number of cases of human rights abuses against human rights defenders and activists, the shrinking of civic space and widespread harassment of opposition members in recent years in Zimbabwe.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Speaker of the Parliament of Zimbabwe for the information provided in his letter of 25 February 2021; *takes note* that the Speaker granted an indefinite leave of absence to Ms. Mamombe until such time as the trials against her are concluded; *regrets*, however, that none of the authorities that were contacted by the IPU have provided any response that might facilitate the resolution of this case; *considers* that the absence of a reply from the executive

and judicial authorities gives further weight to the serious allegations made by the complainants;

2. *Reiterates its deep concern* about the allegations that Ms. Mamombe and two of her young female colleagues were arbitrarily detained and subjected to torture and sexual abuse on 13 May 2020; *considers* that such allegations have to be taken extremely seriously given numerous reports of the use of abductions, torture and sexual abuse to silence opposition members and their supporters in Zimbabwe, the prevalence of gender-based violence in the country and the gravity of the allegations in this case;
3. *Is deeply concerned* by allegations that Ms. Mamombe is facing judicial harassment as a result of her work as a young opposition parliamentarian; *is perplexed* by reports that she was arrested and detained together with another colleague for addressing a press conference and charged with violating the Public Health Order adopted by the Minister of Health and Child Care to fight the COVID-19 pandemic, whereas other attendees were not arrested; *is concerned* by allegations that the Public Health Order, which Ms. Mamombe is accused of violating, is being applied in a discriminatory manner, as ordinary citizens are facing at worst a pecuniary fine while opposition members are facing imprisonment; *fails to understand* why Ms. Mamombe has been detained for two months and treated as a criminal offender on the basis of an executive order that was reportedly not validated by parliament; *is dismayed* by allegations that Ms. Mamombe has been stigmatized by members of the ruling party as a “mental patient”, whereas the independent psychiatric reports that were produced in court clearly establish that Ms. Mamombe is suffering from anxiety, rather than mental illness; *wishes* to receive detailed information on each of the points above as well as on whether the Public Health Order has since been reviewed by parliament, including regarding compliance with national legislation and international human rights standards;
4. *Is appalled* to learn that Ms. Mamombe has allegedly been arbitrarily arrested four times since then in spite of previous decisions adopted by the IPU; *is deeply concerned* by reports from Ms. Mamombe’s lawyers that she has been repeatedly denied bail since her latest arrest on 5 March 2021, which apparently contradicts Chapter 50 of the Constitution of Zimbabwe and relevant statutory laws, that she faced inhumane conditions while in detention in Chukuribi prison and that her health situation seriously worsened during detention, requiring her hospitalization before finally being released on bail; *fails to understand* why she was kept in detention together with convicted criminals even though she has never been found guilty of having committed a crime; *is troubled* by reports that the prosecution repeatedly insisted that she should be denied bail as she is likely to commit more offences, in spite of her right to be considered innocent until proven guilty; *wishes* to receive detailed observations from the authorities on each of these points;
5. *Is particularly concerned* that the complaints to the relevant authorities have allegedly not set in motion investigations to identify the culprits of Ms. Mamombe’s abduction and torture; *fails to understand* why, a full year after these complaints were sent to the relevant institutions and copied to the Ministry of Justice and the Parliament of Zimbabwe, they have still not yielded any results; *is dismayed to learn* that, instead of carrying out an independent investigation into the allegations, the authorities proceeded to arrest Ms. Mamombe on 10 June 2020 on the basis of her statement of complaint and charged her with fabricating her abduction and making false statements prejudicial to the State; *recalls* in this regard that the Republic of Zimbabwe is bound by the provisions of the International Covenant on Civil and Political Rights, to which it is a party, article 2(3) of which enshrines the duty of the State to ensure that any person whose rights are violated should have an effective remedy determined by competent authorities;
6. *Calls on* the Zimbabwean authorities to do everything possible to ensure that Ms. Mamombe’s rights are fully protected; and *hopes* that they will do their utmost to ensure that Ms. Mamombe will no longer be submitted to undue arrests and incarceration; *urges* all relevant authorities to ensure that a full, independent and effective investigation is carried out into the extremely serious allegations referred to in this case without delay; *calls on* the relevant authorities and independent institutions to make the outcome of their investigation public; *wishes* to be kept informed as a matter of urgency of progress made in the investigations;
7. *Believes* that a fact-finding mission from the Committee on the Human Rights of Parliamentarians to Zimbabwe, during which it would meet with all relevant parties, would enable it to gain a comprehensive understanding of the situation faced by Ms. Mamombe; and

expresses the firm hope that parliament and other relevant authorities will respond favourably to this request so that a Committee delegation can travel to Zimbabwe as soon as the health situation allow it;

8. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities and independent institutions, the complainants and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.