



Inter-Parliamentary Union
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Zimbabwe

Decision adopted by consensus by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020) 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
- ✓ Arbitrary arrest and detention
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association

A. Summary of the case

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

According to the complainant, at around 2 p.m. on Wednesday, 13 May 2020, Ms. Mamombe and two other young women leaders, namely Ms. Cecilia Chimhiri and Ms. Netsai Marova, were abducted, tortured and sexually abused by suspected state security agents.

The complainant states 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 reportedly informed that they had been arrested for taking part in a peaceful flash demonstration in Warren Park in Harare on 13 May 2020 while the country was in lockdown due to COVID-19. 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.

Case ZWE-45

Zimbabwe: Parliament affiliated to the IPU

Victim: female, opposition member of the Parliament of Zimbabwe

Qualified complainant: Section I.1(d) of the [Committee Procedure](#) (Annex I)

Submission of complaint: May 2020

Recent IPU decision(s): May 2020

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (August 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter to the Speaker of the National Assembly (August 2020)
- Communication addressed to the complainant: October 2020

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The delegation of Zimbabwe expressed its reservations regarding the decision.

According to the complainant, after being intercepted, Ms. Mamombe and the two other young women leaders were taken to Harare Central Police Station. Before they could be formally charged, they were taken to an undisclosed destination, where they were subjected to intense torture and degrading treatment. According to the complainant, the three suffered serious sexual abuse, as specified in detail in the complaint. According to the complainant, the three women were abandoned near Bindura at around 9 p.m. on Thursday, 14 May 2020. They were finally rescued at around 2 a.m. on Friday, 15 May 2020, by a team of family members and lawyers.

According to the complainant, petitions regarding these abuses have been submitted to Zimbabwe's Gender Commission, Human Rights Commission and the National Peace and Reconciliation Commission. The complainant affirms 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.

Ms. Mamombe and her two colleagues were again arrested on 10 June 2020, accused of fabricating and making false statements about their abduction, and of orchestrating the incident to cast the Government in a bad light. The women were later freed on bail after widespread international campaigns for their release. However, the complainant contends that Ms. Mamombe and her two colleagues' rights were severely restricted as part of the conditions of bail.

Ms. Mamombe was reportedly briefly arrested again on 31 July 2020, in the context of the organization of mass protests. Ms. Mamombe was allegedly arrested again on 15 September while she was in hospital receiving mental health treatment: the complainant specifies that she was arrested on the grounds that she had failed to appear for trial, despite the fact that her lawyers had provided testimonies from medical experts stating that she was unable to stand trial for health reasons. The complainant asserts that Ms. Mamombe was subsequently detained for nearly two weeks at the Chikurubi detention facility on the order of Harare magistrate Ms. Bianca Makwande, in order to have two state doctors establish her fitness to stand trial. It was reported that, in early October 2020, the High Court ordered the release of the member of parliament, ruling that it was not necessary for her to be remanded in custody for the purpose of the examination.

The complainant states that Ms. Mamombe is one of the main young women leaders in Zimbabwe and the youngest in parliament. 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 complainant, 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 in recent years in Zimbabwe.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Ms. Joana Mamombe, a member of the Parliament of Zimbabwe at the time of the initial allegations, was declared admissible by the Committee on the Human Rights of Parliamentarians under its procedure (May 2020);
2. *Thanks* the Speaker of the Parliament of Zimbabwe for the information provided in his letters of 27 August 2020; *notes* that the Speaker stated in his letter that the principle of *sub judice* limits parliament's possibilities of engaging for the resolution of this case;
3. *Considers*, however, that the *sub judice* rule cannot be invoked as an obstacle to justice or accountability and that parliament is responsible for helping to ensure that all state institutions fully abide by the rule of law, including the judiciary; *urges*, therefore, parliament to take all necessary measures to help ensure strict respect for due process guarantees in ongoing proceedings against parliamentarians; *requests* parliament to keep the Committee informed of action taken to this end;
4. *Is extremely concerned* about the allegations that Ms. Mamombe and two of her young female colleagues were arbitrarily detained and subjected to torture and cruel, inhuman and degrading treatment, including sexual abuse; *considers* that such allegations have to be taken extremely seriously given reports of the widespread use of abductions, torture and sexual abuse against opposition members and their supporters, the prevalence of gender-based violence in Zimbabwe and the gravity of the allegations in this case;

5. *Is shocked* to learn that, following the Committee's decision to declare the case admissible on 29 May 2020, Ms. Mamombe was arrested and imprisoned on accusations that she had made false statements regarding her abduction and torture; *is troubled* to learn from the complainant that, since her release on bail, Ms. Mamombe's rights have been severely restricted under the conditions of her bail; *is also concerned* about allegations that she has been re-arrested several times since her release on bail; *wishes* to receive detailed observations from the authorities on each of these points;
6. *Is particularly concerned* that, in the absence of information to that effect, the complaints to the relevant national institutions have allegedly not set in motion diligent investigations to identify the culprits of Ms. Mamombe's abduction and torture;
7. *Calls on* the Zimbabwean authorities to do everything possible to ensure that the rights of Ms. Mamombe are protected and that a full, independent and effective investigation is carried out into the very serious alleged human rights violations referred to in this case; *wishes* to be kept informed as a matter of urgency of progress made in the investigations;
8. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainant 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.