

22nd January 2019

STATEMENT

Statement of Concern over Current Events in Zimbabwe

The Bar Human Rights Committee of England and Wales (BHRC) expresses its grave concern over the reports of the current and ongoing situation in Zimbabwe.

It is understood that, last week, there was a national protest across Zimbabwe about the economic situation, which had been called for by trade union, civic and church leaders.

BHRC is very concerned by the reports coming from the country of shootings and beatings of civilians, as well as the detention of large numbers of people including children.

BHRC is also concerned by reports that magistrates have been systematically denying bail to those arrested and starting trials immediately without giving the accused person an opportunity to prepare a defence.

BHRC is concerned by reports that Pastor Evan Mawarire, the leader of the "This Flag" movement, has been arrested; and also, by the reported arrest of Obert Masure, a leader of the Teacher Trade Union Movement.

BHRC is also concerned by the reports that the government has further responded by shutting down the internet in the country, in particular by blocking access to well-known social media sites such as WhatsApp, Twitter and Facebook, restricting freedom of expression and the ability for individuals to report on what is going on in the country.

This will restrict the ability of citizens of Zimbabwe to speak out about what is happening in their country.

Legal Framework

Articles 58, 59, 60 and 61 of Zimbabwe's 2013 Constitution protects the right to freedom of expression, assembly and to peaceful demonstration.

Article 49 contains the right not to be deprived of personal liberty without just cause. Under Article 50, a person must be released from detention whilst awaiting trial unless there are *compelling reasons* justifying their continued detention.

Article 48 protects the right to life. Article 53 of the Constitution prohibits the use of torture and cruel, inhuman or degrading treatment.

Article 69 of the Constitution ensures the right of every person accused of an offence to a fair trial.

In addition, Article 81 of the Zimbabwean constitution specifically protects the right of children not to be detained except as a matter of last resort and to their adequate protection by the Courts.

Zimbabwe has acceded to the International Covenant on Civil and Political Rights (ICCPR), which protects the rights to a fair trial, freedom of expression and association, as well as prohibiting torture and guaranteeing the right to life (Articles 14, 19, 7 and 6). Zimbabwe has also ratified the UN Convention on the Rights of the Child (see in particular Article 37, which makes clear that the arrest and detention of a child should be used only as a measure of last resort and for the shortest appropriate period).

BHRC observes that state violence towards innocent civilians, the arrest, detention and prosecution of peaceful protesters and an internet shutdown offends against Zimbabwe's own constitution as well as international law.

Remedy

BHRC calls for:

- Any state violence towards innocent civilians to cease immediately;
- All persons detained in the current crackdown to be granted bail, where there is a legal entitlement to bail;
- All persons detained in the current crackdown to receive a fair trial and adequate opportunity to prepare a defence;
- Any children detained in the current crackdown to be immediately released;
- The family members and lawyers of all persons detained in the current crackdown to be informed of their whereabouts and be afforded visiting rights;
- Immediate investigations into the violence to report on the situation in Zimbabwe.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Amanda June Chadwick, Executive Officer, on coordination@barhumanrights.org.uk or +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. BHRC is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
4. Schona Jolly QC, BHRC's new Chair, is on sabbatical in January and February 2019. Co Vice-Chair Steve Cragg QC is Acting Chair over that period.
5. Sources:
 - a. <https://www.bbc.co.uk/news/world-africa-46944923>
 - b. <https://www.theguardian.com/world/2019/jan/20/zimbabwe-warns-brutal-crackdown-foretaste-of-things-to-come>
 - c. <https://www.theguardian.com/world/2019/jan/18/zimbabwe-activists-protests-crackdown-spectre-of-mugabe-era>
 - d. <https://www.theguardian.com/world/2019/jan/16/authorities-launch-major-crackdown-amid-protests-zimbabwe>
 - e. <https://www.zlhr.org.zw/?p=1628>
 - f. <https://www.zlhr.org.zw/?p=1626>
 - g. <https://www.zlhr.org.zw/?p=1630>
 - h. <https://www.voazimbabwe.com/a/mandela-washington-fellow-masaraure-kidnapped-in-zimbabwe/4749941.html>
 - i. <https://news.pindula.co.zw/2019/01/19/watch-system-denying-justice-to-people-arrested-for-shutdown-zimbabwe-beatrice-mtewa/>

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