



Post-Election Attacks Against Civilians and Human Rights Defenders A Forum Statement

6 September 2023

The Zimbabwe Human Rights NGO Forum (the Forum) expresses its outrage following the abduction and torture of Womberaishe Nhende and Sanele Mkhuhlane on Saturday 2 September 2023. The Forum also expresses its indignation towards the arrest of human rights lawyers Douglas Coltart and Tapiwa Muchineripi that took place on 4 September 2023.

Just three days after the commemoration of the International Day of the Victims of Enforced Disappearances on 30 August 2023, the Forum learnt of the abduction of Nhende and Mkhuhlane in Belvedere, Harare around 1600hrs. It is alleged that three 4x4 vehicles visited Nhende's home and forced Nhende and Mkhuhlane into one of the vehicles. It is further alleged that the duo was assaulted and tortured before being injected with an unknown substance and later dumped in Mapinga (about 73km from Harare). This is the second time that Nhende has been a victim of abduction, torture and enforced disappearance. In June 2020, Nhende was severely tortured whilst in police custody and later fell folly to the "victim turned accused" trend. During the electoral period, the Forum also received cases of abductions involving Givemore Chari in Marambapfungwe Constituency, and Nelson Mukwenha in Highfields, Harare.

Human rights lawyers, Douglas Coltart and Tapiwa Muchineripi, who are Members of the Zimbabwe Lawyers for Human Rights (ZLHR), and legal representatives of Nhende and Mkhuhlane were arrested by Zimbabwe Republic Police (ZRP) around 2300hrs on 4 September 2023. The lawyers were arrested in the course of discharging their mandate. It is alleged that the two human rights lawyers advised the police that their clients, Nhende and Mkhuhlane were in no position to be interviewed as they were still nursing injuries from the abduction and torture they sustained. The human rights lawyers were then charged with obstructing and or defeating the course of justice as defined by section 184 (1) (e) of the Criminal Law (Codification and Reform) Act.

It is the position of the Forum that lawyers have the right to protect the dignity of their clients, as guaranteed under Section 51 of the Constitution. In particular, the interviewing of victims of abduction and torture whilst in hospital has become somewhat the modus operandi of ZRP as this is reminiscent of the case of the honourable Member of Parliament for Harare West Joana Mamombe who was abducted but was subsequently arrested and faced trial with the duo of Cecilia Chimhiri and Netsai Marova. Furthermore, it is not a criminal offence to provide legal representation to anyone who needs it as the right to legal representation is guaranteed in Section 69 (1) of the Constitution. The Forum reiterates that the UN Basic Principles on the Role of Lawyers Article 18 espouse that a lawyer should not be identified with their clients or their clients' causes as they discharge their functions.



The Forum is deeply worried that the attacks on civilians and human rights defenders through arrests, torture and abductions in the post-election phase are escalating whilst citizens continue to remain peaceful throughout. It is against this concerning background that the Forum strongly urges the government to urgently:

- Immediately drop all charges against human rights lawyers Douglas Coltart and Tapiwa Muchineripi so that they can provide legal counsel to their clients as per section 69 (1) of the Constitution;
- Investigate and apprehend the perpetrators of the abduction and torture of Womberaishe Nhende and Sanele Mkhuhlane;
- Remind the ZRP that the institution is compelled at law to investigate first before arresting anyone;
- Accede and ratify the United Nations Convention Against Torture and Other Cruel Inhuman, and Degrading Treatment or Punishment (UNCAT).
- Operationalise the Zimbabwe Independent Complaints Commission envisaged in terms of Section 210 of the Constitution of Zimbabwe.

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