

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: UA ZWE 1/2024  
(Please use this reference in your reply)

13 August 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/4, 51/8, 54/14, 52/9, 50/17 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged **enforced disappearance, cruel treatment, arbitrary detention and judicial prosecution of Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi.**

Ms. Namatai Kwekweza is a woman human rights defender, pro-democracy campaigner and founder of civil society organisation WeLead, which is focussed on empowering youth, and in particular young women. She has also advocated in support of constitutionalism in Zimbabwe. Mr. Robson Chere is a teacher, labour rights defender and Secretary General of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ). ARTUZ is a trade union that works in rural areas, defending the rights of educators and teachers. The organisation, which has 35,000 members, advocates against inadequate working conditions, wages, and accommodation for rural teachers as well as poor provision of training. Mr. Samuel Gwenzi is a local councillor.

We have previously communicated concerns to your Excellency's Government regarding allegations of repeated human rights violations, including abduction, to which Mr. Robson Chere has reportedly been subjected in communication [ZWE 2/2022](#), sent on 15 February 2022. We regret that no response was provided by your Excellency's Government.

According to the information received:

On 31 July 2024, at approximately 12.50 p.m., Ms. Namatai Kwekweza, Mr. Robson Chere and a third individual, local councillor for Citizens Coalition for Change, Mr. Samuel Gwenzi, were forcibly removed from a departing flight at Robert Gabriel Mugabe International Airport in Harare. Unidentified men, suspected to be State security agents though wearing Aviation Company of Zimbabwe uniforms, escorted the three to a high security zone in the airport and held them incommunicado until 9.00 p.m.

During their approximately eight hours of incommunicado detention, the three individuals were not provided with any reason as to the cause of their detention, in contravention of section 50 of the Constitution of Zimbabwe, which states that any person who is arrested “must be informed at the time of arrest of the reason for the arrest”.<sup>1</sup> The human rights defenders also had their electronic devices confiscated.

Multiple attempts by their lawyers and colleagues to locate them during this time were unsuccessful. Hence, Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi were subjected to enforced disappearance. In this regard, it is worth recalling that, in order to constitute an enforced disappearance, the deprivation of liberty of an individual must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment thereof.

While held incommunicado and being forcibly disappeared, the three individuals were reportedly subjected to torture and other cruel, inhuman or degrading treatment or punishment. Ms. Namatai Kwekweza, who had recently undergone a dental procedure, had a shoe and a metal bar forced into her mouth, causing her significant distress. Mr Robson Chere was beaten with an iron bar on the soles of his feet, buttocks and lower back while his dreadlocks were cut off with a knife. His attackers further allegedly threatened to kill him or rape his wife if any protests occurred in run-up to the Southern African Development Community (SADC) summit scheduled for 17 August 2024 in Harare. Mr. Robson Chere was also allegedly waterboarded. The third individual, Mr. Samuel Gwenzi, was reportedly beaten and his family members threatened.

At approximately 9.00 p.m. on 31 July 2024, the three were reportedly handed over to the Zimbabwe Republic Police – Criminal Investigation Department, Law and Order section and transferred to Harare Central Police Station. Only then were they informed that they were being charged with “disorderly conduct” under section 41 of the Criminal Law Codification and Reform Act and permitted access to legal representation. The charges levelled against the human rights defenders relate to their alleged participation in a rally on 27 June 2024 calling for the release from detention of Citizens Coalition for Change interim leader Mr. Jameson Timba.

Ms. Namatai Kwekweza was not in Zimbabwe on 27 June 2024. Her passport, which was confiscated by the unidentified men who abducted her, shows evidence of this fact. Mr. Robson Chere also has an alibi, as does Mr. Samuel Gwenzi. Notwithstanding the foregoing, freedom of peaceful assembly is guaranteed under section 59 of the Constitution of Zimbabwe.

On 1 August 2024, a doctor from the Zimbabwe Association of Doctors for Human Rights examined Mr. Robson Chere in Harare Central Police Station. The doctor determined that the human rights defender had suffered extensive

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1 Constitution of Zimbabwe <https://faolex.fao.org/docs/pdf/zim127325.pdf>

soft tissue injuries and was at very high risk of developing acute kidney injury. The doctor advised his immediate admission to hospital for treatment. During an initial court appearance on 2 August 2024, lawyers of Mr. Robson Chere requested that he be moved to hospital for treatment. The magistrate responded that he would be treated by doctors from the Zimbabwe Prisons and Correctional Services.

A bail hearing, originally due to take place on 2 August 2024, was postponed until 5 August 2024. That hearing carried over into 6 and 7 August 2024. During this time the human rights defenders were remanded in custody despite the offence with which they had been charged being a fineable offence. In opposing their bail, the prosecutor cited “overwhelming evidence against” the accused and their risk of absconding. Given Ms. Namatai Kwekweza was not in Zimbabwe at the time of the alleged events and the alibi she provided was not investigated, there was no basis for such opposition. Furthermore, the fact that Ms. Namatai Kwekweza is no longer in possession of her passport, and it is thus highly unlikely she would flee the jurisdiction, make the reasons provided for opposition to bail appear arbitrary.

Without wishing to prejudge the accuracy of the information received, we express our most serious concern at the reported enforced disappearance and arbitrary arrest of, and alleged acts of torture and other cruel, inhuman or degrading treatment or punishment against, Ms. Namatai Kwekweza, Mr. Robson Chere, and Mr. Samuel Gwenzi, which appear to be in retaliation for their work promoting and protecting human rights. We are further concerned by the allegations regarding their continued detention, charging, denial of bail and denial of adequate medical attention.

Should the allegations be confirmed, they would violate articles 7, 9, 10, 16, 19 and 22, read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), which Zimbabwe acceded to on 13 August 1991. Article 9 of the ICCPR guarantees everyone the right to liberty and security of the person. As emphasized by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), deprivation of liberty must not be arbitrary and must be carried out with respect for the rule of law (paragraph 10). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. The Human Rights Committee further stresses that persons who are deprived of liberty shall be informed, at the time of any deprivation of liberty, of the reasons for it (paragraph 24). That information must be provided immediately (paragraph 27).

We would like to refer your Excellency's government to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances which establishes that no State shall practice, permit or tolerate enforced disappearances. In particular, we wish to highlight articles 9, 10, 11 and 12 of the Declaration. Pursuant to article 7 of the Declaration, no circumstances whatsoever, whether internal political instability or any other public emergency, may be invoked to justify enforced disappearance. The prohibition of enforced disappearance and the corresponding obligation to investigate have attained the status of jus cogens. We also wish to emphasize that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, enforced disappearances constitute an aggravated form of

arbitrary detention.

We would further like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture, and other cruel, inhuman or degrading treatment or punishment, which is a peremptory norm of international law *jus cogens*, and as reflected *inter alia*, in the latest Human Rights Council Resolution 55/12 (2004) and General Assembly Resolution 77/209 (2022).

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights, ratified by Zimbabwe on 13 May 1991 (ICESCR), which establishes that an obligation to guarantee, without discrimination, the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), general comment no. 14, para. 34). The CESCR underlines that the "health is a fundamental human right indispensable for the exercise of other human rights" (general comment no. 14, para. 1). This right contains both, freedoms and entitlements - freedom from ill-treatment and "the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health" (general comment no. 14, para. 8).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

We are issuing this appeal in order to safeguard the rights of the abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information about the factual and legal grounds for the arrest and detention of Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi and how these measures are compatible with international norms and standards. Please also detail what measures have been taken to guarantee the right of all individuals arrested and detained to a fair trial and due process and explain how these measures are compatible with the obligations of Zimbabwe under international human rights law.
3. Please provide detailed information on the state of health of Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi and the measures taken to ensure they receive adequate medical treatment and support.

4. Please provide detailed information the measures taken to ensure that Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi can regularly communicate with, and be visited by, their family, counsels and any other person of choice.
5. Please provide detailed information about the standards and conditions in which people are held when deprived of their liberty and the laws and regulations applicable to public officials, and whether they are compatible with international standards on the prohibition of torture and the right to humane and dignified treatment.
6. Please provide information on the steps taken by the relevant authorities to investigate the allegation of enforced disappearance of and acts of torture and other cruel, inhuman or degrading treatment or punishment against Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi. Please provide information on the arrangements in place for the protection of victims and witnesses of torture and/or other cruel, inhuman or degrading treatment or punishment and other human rights violations from reprisals.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Ms. Namatai Kwekweza, Mr. Robson Chere and Mr. Samuel Gwenzi, to halt the alleged violations and to prevent their re-occurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Gabriella Citroni  
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Irene Khan  
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Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment