



ZIMBABWE

**PERMANENT MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS AT GENEVA**

Note No. 256/2025

The Permanent Mission of the Republic of Zimbabwe to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the letter dated 11 July 2025 from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the Minister of Foreign Affairs and International Trade.

The Mission wishes to forward the response to the issues raised by the Special Rapporteur.

The Permanent Mission of the Republic of Zimbabwe avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 14 October 2025

**Office of the High Commissioner for Human Rights
Geneva**



Republic of Zimbabwe

RESPONSES

By the

**GOVERNMENT OF THE REPUBLIC OF
ZIMBABWE**

To the

**UNITED NATIONS HUMAN RIGHTS COUNCIL'S SPECIAL RAPPORTEUR ON
THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF
OPINION AND EXPRESSION**

Regarding

**THE ARREST, DETENTION AND PROSECUTION OF JOURNALIST FAITH
ZABA ON CHARGES OF ALLEGEDLY UNDERMINING OR INSULTING THE
AUTHORITY OF THE PRESIDENT IN DIRECT CONNECTION TO HER
JOURNALISTIC WORK**

1. Preliminary

- 1.1. The Government of the Republic of Zimbabwe presents its compliments to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and acknowledges receipt of the communication referenced **AL ZWE/2025** dated 11 July 2025.
- 1.2. Zimbabwe reaffirms its unwavering commitment to its obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), to which it is a State Party, and its constitutional guarantees of freedom of expression as enshrined under Section 61 of the Constitution of Zimbabwe, 2013.
- 1.3. At the same time, Zimbabwe recalls that under both international and domestic law, rights are not absolute and may be subject to limitations where such restrictions are lawful, necessary, reasonable, and proportionate in the interests of legitimate objectives such as the protection of public order, national security, and the reputations of others, as provided for under Article 19(3) of the ICCPR and Section 86 of the Constitution of Zimbabwe.
- 1.4. In this context, and in response to the issues raised by the Special Rapporteur, the Government of Zimbabwe respectfully provides the following information and clarifications on the matter concerning Ms. Faith Zaba.

2. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

- 2.1. The Government of Zimbabwe categorically rejects the characterization of the arrest of Ms. Faith Zaba as arbitrary or as constituting persecution for journalistic work. The facts of the matter, as outlined in domestic legal records, clearly establish that Ms. Zaba, in her capacity as editor of the *Zimbabwe Independent*, authorised and published an article on 27 June 2025 titled "*When You Become a Mafia State.*"
- 2.2. The said article went beyond permissible criticism of public officials. It contained unsubstantiated allegations of Zimbabwe's involvement in alleged electoral malpractices in Mozambique, Botswana, Namibia, and Zambia; accused the President of the Republic of Zimbabwe of engaging in criminal enterprises; and described the State as a "Mafia State" akin to "the Iran of

Southern Africa." These allegations, published with the President's photograph alongside a foreign Head of State, not only defamed the Head of State but also had serious implications for Zimbabwe's international relations, regional diplomacy, and public order.

- 2.3. Zimbabwe is therefore obliged to balance freedom of expression with the protection of public order, national security, and the reputations of others, as provided for both in domestic law and under Article 19(3) of the ICCPR.

3. Please provide information on the factual and legal basis for Ms. Zaba's arrest and detention, as well as for the criminal charges brought against her, and explain which measures have been taken to ensure that the charges do not infringe on Zimbabwe's obligations under international law, including articles 9 and 19 of ICCPR.

- 2.2. The arrest and charges against Ms. Zaba are grounded in Section 33(a)(i) of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*], which criminalises "undermining the authority of or insulting the President." This provision has been enacted by Parliament in line with Section 86 of the Constitution of Zimbabwe, 2013, which permits the limitation of rights, including freedom of expression, in the interests of defence, public safety, public order, public morality, and public health, provided such limitations are reasonable, necessary, and justifiable in a democratic society.
- 2.3. The arrest was effected by the Zimbabwe Republic Police following due procedure under the Criminal Procedure and Evidence Act [*Chapter 9:07*], and Ms. Zaba was brought promptly before a competent magistrate within 48 hours, in compliance with Section 50 of the Constitution of Zimbabwe and Article 9(3) of the ICCPR.
- 2.4. It is important to stress that Ms. Zaba was not detained indefinitely. Bail was granted on 4 July 2025 with standard conditions (reporting once a week, surrendering passport, non-interference with investigations). These measures are consistent with both domestic safeguards and international law requirements for proportionality.
- 2.5. The prosecution of Ms. Zaba is fully aligned with the criteria established under the International Covenant on Civil and Political Rights (ICCPR). Firstly, it is

conducted in accordance with Section 33(a)(i) of the Criminal Law Code, which provides the necessary legal framework.

- 2.6. Additionally, this action serves the legitimate aims of protecting national security and public order, while also upholding the dignity of the Office of the President and ensuring Zimbabwe's regional and international relationships are safeguarded. Furthermore, the measures taken, including her arrest, prompt judicial oversight, and the granting of bail, are deemed proportionate in light of the serious allegations against her.
- 2.7. Zimbabwe does not criminalise mere criticism of government policies. However, when such speech crosses into defamatory falsehoods, incitement of hostility against the State, or damage to international relations, legal accountability becomes necessary and is consistent with international norms.

3. Please provide information on the steps taken to ensure a prompt review of the charges brought against Ms. Zaba by a fair and impartial court, in line with international human rights standards, and to ensure her prompt release and dismissal of the charges if these are proven to be unsubstantiated.

- 3.1. Zimbabwe's judicial system is independent under Section 164 of the Constitution. The accused has been granted full access to legal representation, has been brought before a competent magistrate, and has the right to appeal or challenge any decision before higher courts, including the High Court and Supreme Court.
- 3.2. The bail hearing delays cited in the allegations were due to procedural verifications and logistical challenges, not denial of justice. Ultimately, bail was granted, demonstrating the judiciary's impartiality and respect for due process. The trial date has been set for 31 October 2025, ensuring the matter will be adjudicated expeditiously.
- 3.3. These safeguards align with Article 14 of the ICCPR and guarantee Ms. Zaba's right to a fair and public hearing by a competent, independent, and impartial tribunal established by law.

4. Please explain what concrete steps your Excellency's government has taken to protect the freedom of expression of journalists and editors

and to enable them to work in conditions of safety and free from fear of reprisals for their work, including critical opinions of the Government.

- 4.1. Zimbabwe's judicial system operates independently, as outlined in Section 164 of the Constitution. The accused individual has been granted full access to legal representation and has been presented before a competent magistrate. Furthermore, they have the right to appeal or challenge any decisions made, extending their options to higher courts, including the High Court and the Supreme Court.
- 4.2. While there were delays in the bail hearing, these were attributable to necessary procedural verifications and logistical challenges rather than any denial of justice. Ultimately, bail was granted, which reflects the judiciary's impartiality and adherence to due process. The trial has been scheduled for 31 October 2025, ensuring that the case will be resolved without unnecessary delay.
- 4.3. These protections and procedures are in line with Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees Ms. Zaba the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law.
- 4.4. What the Government cannot condone, however, is the deliberate publication of false, defamatory, and destabilising material that undermines the sovereignty of the State, the dignity of the Office of the President, and Zimbabwe's relations with neighbouring countries.

5. Conclusion

- 5.1. The Government of Zimbabwe reiterates that Ms. Zaba's arrest and prosecution are based on clear violations of domestic law, consistent with constitutional and international safeguards. Far from being an act of arbitrary persecution, the process demonstrates Zimbabwe's adherence to the rule of law, due process, and the principle of proportionality under international human rights law.
- 5.2. Zimbabwe remains committed to upholding freedom of expression, while ensuring that this right is exercised responsibly and within the bounds of the law.