

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL ZWE 1/2025

(Please use this reference in your reply)

11 July 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 52/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **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.**

Ms. Faith Zaba is a Zimbabwean journalist, editor of the "Zimbabwe Independent" newspaper.

According to the information received:

On 27 June, a satirical column titled "When you become mafia state" was published in the "Zimbabwe Independent" newspaper by an author under the name "Muckracker". The opinion article referred to the Government's alleged interference in the politics of neighboring countries and said that the current administration was "obsessed with keeping itself in power."

Shortly after, police summoned Ms. Zaba, the newspaper's editor, to appear at the central police station of Harare.

On 1 July 2025, when complying with the summon, Ms. Zaba was arrested on charges of undermining or insulting the authority of the President in relation to the said column.

On 2 July 2025, Ms. Zaba appeared at the magistrates' court in Harare, where her bail hearing was deferred to 3 July after the prosecution requested more time to verify her medical history. Ms. Zaba's defence asked that she was granted bail.

On 3 July 2025, the court reportedly stated it could not deliver its judgement on the bail request because of a power blackout.

On 4 July 2025, the court finally granted Ms. Zaba bail, with conditions including that she must report to police once a week, surrender her valid passport, and not interfere with investigations until the matter has been completed. The decision also set 29 July 2025 as her next date of appearance in court.

Under Zimbabwe's Criminal Law (Codification and Reform) Act, if convicted, Ms. Zaba could face a fine or imprisonment not exceeding one year, or both.

Without wishing to prejudge the accuracy of the above-mentioned allegations, I am concerned about the seeming arbitrary detention and ongoing prosecution of Ms. Zaba, on charges that appear to be in direct retribution for her journalistic work as an editor.

The detention of a journalist for publishing a critical piece against a public official could constitute an arbitrary deprivation of liberty contrary to articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), which Zimbabwe ratified on 13 August 1991. States have a duty under article 19 of ICCPR, to uphold the right to freedom of opinion and expression. They are obliged under international human rights law to protect and foster a free, plural and diverse media landscape, and respect editorial independence. Article 19 of the ICCPR covers the right of the media to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. Under international human rights law, public figures, including those exercising the highest political authority, such as heads of State, are legitimately subject to criticism, and any restrictions to such criticism must strictly adhere to article 19(3) ICCPR. Under this article, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives.

I have consistently called on States to decriminalize defamation and laws criminalizing the criticism of State institutions and officials. Criminalization of defamation is disproportionate, gags journalism and damages democratic discourse and public participation. (A/HRC/50/29, para. 111; A/HRC/59/50, para. 103).

I am alarmed by what appears to be misuse of criminal law to target critical journalists and silence dissent and punish the exercise of freedom of expression in Zimbabwe. I emphasize that this case appears to signal a selective enforcement of criminal legislation aimed at silencing dissenting or critical voices in the media. I note that cases such as that against Ms. Zaba could have a notable chilling effect on freedom of expression and portray a very worrying picture about the state of media freedom in Zimbabwe.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

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

2. 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.
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.
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.

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

While awaiting a response to this communication, I call on your Excellency's Government to ensure a prompt review of Ms. Zaba's case by a fair and impartial court, in line with international human rights standards, and to ensure the prompt dismissal of the charges if these are proven to be unsubstantiated.

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

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer to articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Zimbabwe on 13 August 1991, which guarantee the right to freedom and security of the person, including not to be arbitrarily detained, the right to a fair trial, and the right to freedom of opinion and expression.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. As indicated by the Committee, “the function of journalists includes not only full-time reporters and analysts, but also bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere” (CCPR/C/GC/34 para. 44).

The penalization of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (CCPR/C/GC/34 para. 42). Furthermore, the Human Rights Committee, in its general comment No. 35, stated that the deprivation of liberty of an individual for exercising their freedom of expression constitutes an arbitrary deprivation of liberty contrary to article 9 of the Covenant (CCPR/C/GC/35 paras. 17 and 53). This is also the position of the Working Group on Arbitrary Detention. Laws justified by national security, whether described by sedition laws or otherwise, can never be invoked to prosecute journalists (CCPR/C/GC/34 para. 30). Likewise, the arbitrary arrest or torture of individuals because of the exercise of their freedom of expression will under no circumstance be compatible with article 19 (CCPR/C/GC/34 para. 23).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and

the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

I would also like to refer to the Human Rights Council resolution 45/18 on safety of journalists adopted on 6 October 2020, in which the Council expressed “deep concerns about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counterextremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting”.

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information and, as such, they should be highlighted independently of any other rationale for restriction. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary. (A/HRC/71/373, para. 35). It has indeed long been recognised that “journalism constitutes a necessary service for any society, as it provides individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions” (A/HRC/20/17, para. 3).

I also refer to the African Charter on Human and Peoples’ Rights (African Charter) including article 9, ratified by Zimbabwe on 30 May 1986, which guarantee

every individual shall have the right to receive information and that every individual shall have the right to express and disseminate his opinions within the law.

Finally, I refer to the Declaration of Principles on Freedom of Expression and Access to Information in Africa in 2019 which guarantees Freedom of Expression where everyone has the right to seek, receive, and impart information and ideas, access to Information which public bodies must proactively disclose information and ensure easy access to it, the protection of journalistic sources and the safety of journalists.